

Nauman Smith

Attorneys At Law

Please Reply to:

P.O. Box 840

Harrisburg, PA 17108-0840

Benjamin C. Dunlap, Jr.

Email: bdunlapjr@nssh.com

(717) 236-3010, Ext. 121

December 16, 2019

FEDERAL EXPRESS OVERNIGHT MAIL

Cynthia T. Brown, Chief

Section of Administration, Office of Proceedings

Surface Transportation Board

395 E Street, SW

Washington, D.C. 20423-0001



300188

RE: Docket No. AB-167 (Sub. No. 1194X)
Consolidated Rail Corporation – Abandonment
Exemption – in Indianapolis, Indiana

ENTERED
Office of Proceedings
December 17, 2019
Part of
Public Record

Dear Ms. Brown:

Pursuant to 49 C.F.R. 1152.50, enclosed for filing with the Board are the original and ten copies of a verified Notice of Exemption for Consolidated Rail Corporation (“Conrail”) to abandon an out-of-service section of a rail line known as Thorne Secondary, Line Code 8206, running from Milepost 179.52 to 180.80 in Indianapolis, Indiana (the “Line”). **A check in the amount of \$4,400 is enclosed to cover the applicable filing fee for this matter.**

This submission also includes: the Environmental and Historic Reports in conformance with the requirements of 49 C.F.R. §§ 1105.7 and 1105.8; copies of letters consulting governmental agencies and officials on the environmental and historical matters specified in §§ 1105.7 and 1105.8; copies of the responses Conrail has received from those agencies; and copies of the letters mailed pursuant to §§ 1152.50(d)(1), 1105.7(b), and 1105.8(c) providing advance notice of this filing.

Enclosed is the electronic version of this filing on a USB flash drive as required under 49 C.F.R. § 1104.3. **Please time stamp the enclosed extra copy of this letter and return it to me in the enclosed self-addressed, stamped envelope to acknowledge receipt and filing of this Notice of Exemption.**

FEE RECEIVED

December 17, 2019

SURFACE

TRANSPORTATION BOARD

Enclosure(s)

cc: All Parties on Attached Service List (US Mail)

Sincerely,

Benjamin C. Dunlap, Jr.

FILED

December 17, 2019

SURFACE

TRANSPORTATION BOARD

Superior analysis. Effective solutions. Since 1871.

SERVICE LIST FOR FILING OF NOTICE OF EXEMPTION
ON DECEMBER 16, 2019

Cynthia T. Brown, Chief
Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423-0001

Communications and Outreach Branch,
NOAA, N/NGS12
National Geodetic Survey, SSMC3 #9340
1315 East-West Highway
Silver Spring, MD 20910-3282

Patricia Trap, Acting Regional Director
National Park Service
Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

U.S. Environmental Protection Agency
Region 5
77 W. Jackson Blvd.
Chicago, IL 60604

Bob Ratcliffe, Division Chief
National Park Service
Conservation and Outdoor Recreation Division
1749 C. St. NW
Washington, DC 20240

U.S. Fish and Wildlife Service
Indiana Field Office
620 S. Walker Street
Bloomington, IN 47403-2121

Indiana Department of Environmental
Management
Indiana Government Center North
100 North Senate Avenue
Indianapolis, IN 46204

Ryan Mueller, Director
Indiana Dept. of Natural Resources
Division of Water
402 W. Washington St., Room W264
Indianapolis, IN 46204

Dale Brier, Director
Indiana Department of Natural Resources
Division of Outdoor Recreation
402 W. Washington St., Room W271
Indianapolis, IN 46204

U.S. Army Corps of Engineers
Louisville District
P.O. Box 59
Louisville, KY 40201-0059

Beth McCord, Director and Deputy State
Historic Preservation Officer
Indiana Department of Natural Resources
Division of Historic Preservation & Archaeology
402 W. Washington St., Room W274
Indianapolis, IN 46204

Jerry Raynor, State Conservationist
Natural Resource Conservation Service
Indiana State Office
6013 Lakeside Boulevard
Indianapolis, Indiana 46278-2933

Mayor Joe Hogsett
200 E. Washington St.
Suite 2501
Indianapolis, IN 46204

City-County Council
200 E. Washington St.
T241
Indianapolis, IN 46204

INDOT Greenfield District
32 South Broadway
Greenfield, IN 46140

Department of Defense
Transportation Engineering Agency
1 Soldier Way, Bldg. 1900W
Scott AFB, IL 6225-5006

Surface Deployment and Distribution Command,
Dept. of Army
Public Affairs
1 Soldier Way, Rm 3129
Scott AFB, IL 62225-5006

Vicki Christiansen, Chief
U.S. Forest Service
United States Department of Agriculture
1400 Independence Ave, SW
Washington, DC 20250-1111

U.S. Railroad Retirement Board
Birch Bayh Federal Building
46 East Ohio Street, Ste 413
Indianapolis, IN 46204-1946

Federal Railroad Administration
Region 4
200 West Adams Street, Suite 310
Chicago, IL 60606

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C. 20423



STB NO. AB 167 (SUB-NO. 1194X)

CONSOLIDATED RAIL CORPORATION – ABANDONMENT EXEMPTION – IN
INDIANAPOLIS, INDIANA

NOTICE OF EXEMPTION

1. Consolidated Rail Corporation (“Conrail”) hereby files its verified Notice of Exemption pursuant to 49 C.F.R. § 1152.50 to abandon the line of railroad described below. A map showing the location of the line and describing the portion to be abandoned is attached hereto as Exhibit “A.”

Name: Thorne Secondary, Line Code 8206

Location: Indianapolis, Indiana

Description of Track: From approximately milepost 179.52± to 180.80± in the City of Indianapolis, Indiana within United States Postal Service Zip Code 46219.

Length of Track: 1.28 total miles ±

2. Conrail certifies that: (a) no local or overhead traffic has moved over the line for at least two years, (b) any overhead traffic that has or could move over the line can be rerouted, and (c) no formal complaint filed by a user of rail service on the line (or a state or local government entity acting on behalf of such user) regarding cessation of

service over the line either is pending with the Board or any U.S. District Court or has been decided in favor of the complainant within the last two years.

3. The proposed consummation date of the abandonment is February 10, 2020.
4. The exact name of the applicant is Consolidated Rail Corporation ("Conrail").
5. The applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.
6. The relief Conrail seeks is abandonment of the above-described line.
7. Conrail's representative to whom correspondence should be sent relating to this matter is Benjamin C. Dunlap, Jr., Esquire, Nauman, Smith, Shissler and Hall, LLP, 200 North Third Street, 18th Floor, Harrisburg, Pennsylvania, 17101, Telephone: (717) 236-3010, Ext. 121, Email: bdunlapjr@nssh.com.
8. Conrail is aware of no alternative public purpose for which the property is suitable other than the sale of the Line to the Indiana Department of Parks & Recreation for development and expansion of their trail system, Pennsy Trail. The portion of Thorne Secondary proposed for abandonment in this filing is not within Conrail's operating territory and is not active or connected to any other line of railroad. Further, a segment of Thorne Secondary, east of the proposed action, was legally abandoned years ago: Charlottesville, Milepost 158.0 to Indianapolis, Milepost 179.8 in ICC No. AB-167 (Sub. No. 284N). The Line west of Thorne Secondary, known as Arlington Runner, Line Code 8342, from Milepost 0.10 to Milepost 0.25 was legally abandoned in STB No. AB-167 (Sub. No. 1167X).
9. Conrail acknowledges that the Board must require provisions to protect the interests of employees as a condition of any abandonment under 49 U.S.C. §§ 10903(b)(2) and

10502(g). Conrail believes the conditions set forth in Oregon Short Line Railroad Company – Abandonment – Goshen, 360 I.C.C. 91 (1979), provide the appropriate level of labor protection.

10. Pursuant to 49 C.F.R. §§ 1105.7 and 1105.8, the Environmental and Historic Report are attached hereto as Exhibit “B”.
11. The undersigned counsel for Conrail certifies that the following requirements have been complied with:
 - a. Notice has been given to the agencies and entities specified in 49 C.F.R. § 1152.50(d)(1) by letter dated November 15, 2019. A copy of the letter is attached hereto as Exhibit “C”.
 - b. In accordance with 49 C.F.R. §§ 1105.7(b) and 1105.11, copies of the environmental and historic report were sent to the required agencies by letter dated October 25, 2019. A copy of this letter is attached hereto as Exhibit “D”.
 - c. A copy of the Environmental and Historic Report was sent to the Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology in compliance with 49 C.F.R. § 1105.8(c) by letter dated October 25, 2019. A copy of this letter is attached hereto as Exhibit “D”.
 - d. 49 C.F.R. § 1105.7(c) has been fulfilled by letters sent on August 26, 2019 to the appropriate agencies. Copies of these letters are attached hereto as Exhibit “E”.
 - e. 49 C.F.R. § 1105.12 has been fulfilled by publishing a notice on November 26, 2019 in The Indianapolis Star, a paper of general circulation in Marion County, Indiana. An affidavit of publication and a copy of text of the notice are attached hereto as Exhibit “F”.


Benjamin C. Dunlap, Jr., Esquire
Nauman, Smith, Shissler & Hall, LLP
P.O. Box 840
Harrisburg, PA 17108-0840
(717) 236-3010, Ext. 121

Date:

VERIFICATION

STATE OF Pennsylvania :

COUNTY OF Philadelphia :

SS.

Jonathan M. Broder (Name of affiant) makes oath and says that (s)he is the UP Corp Gen & CLO (title of affiant) of the Consolidated Rail Corporation (name of applicant) applicant herein; that (s)he has been authorized by the applicant (or as appropriate, a court) to verify and file with the Surface Transportation Board the foregoing application in STB No. AB-167 (Sub-No. 1194X); that (s)he has carefully examined all of the statements in the application as well as the exhibits attached thereto and made a part thereof; that (s)he has knowledge of the facts and matters relied upon in the application; and that all representations set forth therein are true and correct to the best of his(her) knowledge, information, and belief.

Jonathan M Broder
(NAME)

Subscribed and sworn to before me Robert C. Winegrad in and for the State and County above named, this 4th day of December, 2019.

My Commission expires July 12, 2022

Robert C. Winegrad
Notary Public

Commonwealth of Pennsylvania - Notary Seal
ROBERT C. WINEGRAD, Notary Public
Philadelphia County
My Commission Expires July 12, 2022
Commission Number 1283878

EXHIBIT "A"

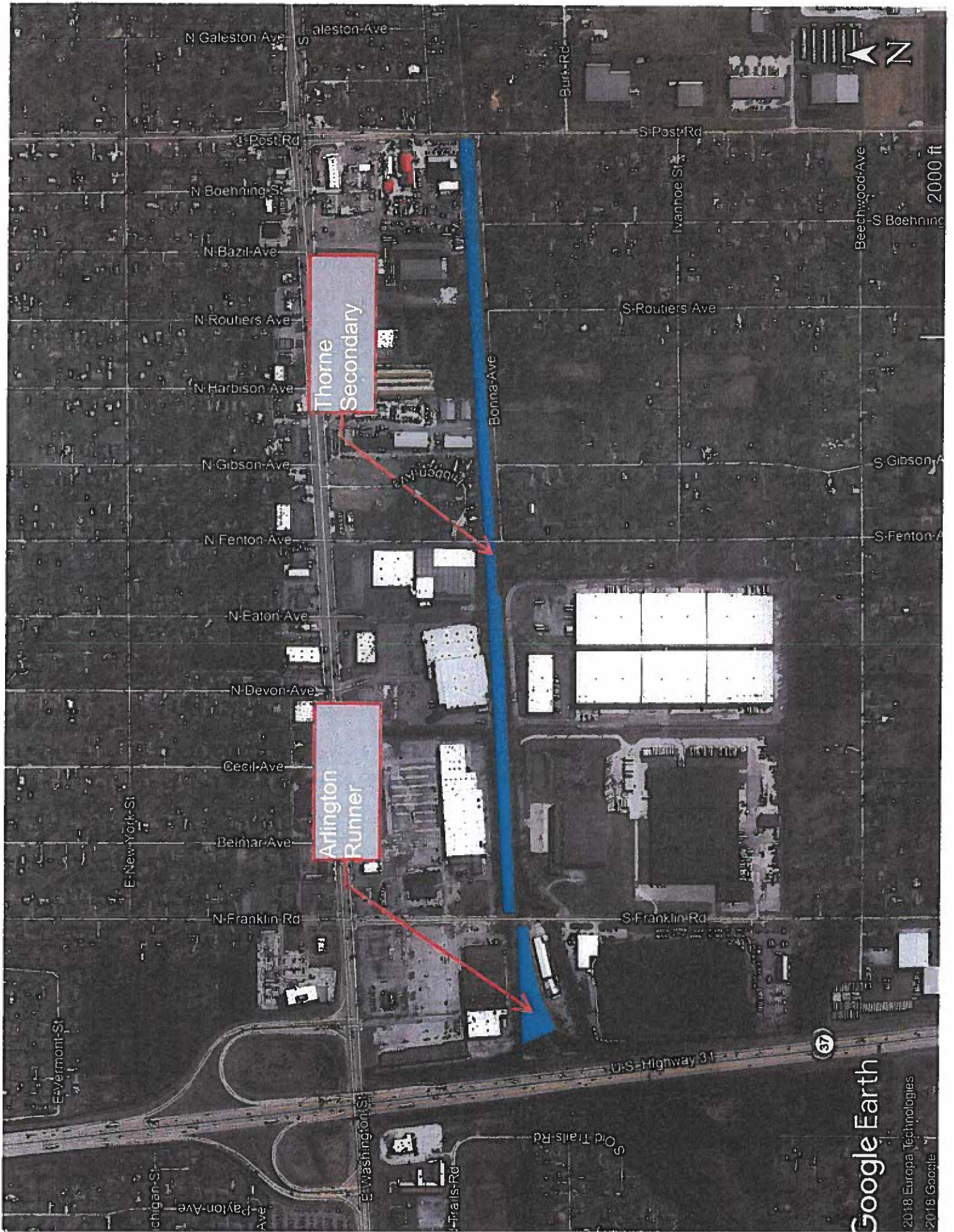


EXHIBIT "B"

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C. 20423

STB NO. AB 167 (SUB-NO. 1194X)

CONSOLIDATED RAIL CORPORATION – ABANDONMENT EXEMPTION – IN
INDIANAPOLIS, INDIANA

NOTICE OF EXEMPTION

ENVIRONMENTAL AND HISTORIC REPORT

Consolidated Rail Corporation (“Conrail”) submits this combined Environmental and Historic report in accordance with 49 C.F.R. §§ 1105.7 and 1105.8. Conrail has fulfilled the requirements of §§ 1105.7 and 1105.8 by consulting with the specified and appropriate public agencies by sending letters requesting comments on the effect of this proposed abandonment on the environment and on matters of historic preservation. Copies of all the letters and responses received to date by Conrail are attached to this Report. Any responses received in the future will be promptly furnished to the Board.

ENVIRONMENTAL

1. **Proposed Action and Alternatives.** Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Response: The proposed action is the abandonment of an out-of-service section of a line of railroad known as Thorne Secondary, Line Code 8206, from Milepost 179.52 to 180.80 in the City of Indianapolis, Indiana, within U.S. Postal Service Zip Code 46219 (the “Line”). Conrail expects to file a Notice of Exemption to abandon the Line on or after November 25, 2019. As the

Line has been out of service for more than two years, no commodities are transported on the Line and no changes in current operations or maintenance practices will result from the proposed abandonment. There are no structures located on the Line and the planned abandonment will not result in any salvage activity. The purpose of the abandonment of the Line is to facilitate the sale of the Line to the Indiana Department of Parks & Recreation for development and expansion of their trail system, Pennsy Trail. Conrail is not aware of any other reasonable alternative to the proposed abandonment. The Line is not active or connected to any other line of railroad and is not within Conrail's operating territory. In prior proceedings, a portion of Thorne Secondary, east of the proposed action, was legally abandoned years ago: Charlottesville, Milepost 158.0 to Indianapolis, Milepost 179.8 in ICC No. AB-167 (Sub. No. 284N). Also, the line west of Thorne Secondary, known as Arlington Runner, Line Code 8342, from Milepost 0.10 to Milepost 0.25 was legally abandoned in STB No. AB-167 (Sub. No. 1167X). There have been no customers served off the Line for more than two years. A detailed map is attached as Exhibit "1".

2. Transportation System. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

Response: The proposed abandonment will not have any effects on regional or local transportation systems and patterns because the Line has been out of service for more than two years. There will not be a diversion of passengers or freight to any other transportation systems or modes as a result of the proposed abandonment. Conrail sent a letter to the Indiana Department of Transportation requesting comment on the proposed abandonment on August 26, 2019. Upon receipt of any response, Conrail will forward the same to the Board.

3. Land Use. (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies. (ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land. (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9. (iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10905 and explain why.

Response:

- (i) Conrail is unaware of any inconsistencies between the proposed abandonment and existing land use plans. Mayor Joe Hogsett and the City-County Council of Indianapolis and Marion County were consulted on this matter by letters dated August 26, 2019. Upon receipt of any response, Conrail will forward the same to the Board.
- (ii) The proposed abandonment will not have any effect on prime agricultural land. Conrail has consulted with the U.S. Soil Conservation Service, now called the Natural Resources Conservation Service ("NRCS"), on this matter by letter dated August 26, 2019. The NRCS responded on September 10, 2019, a copy of the letter is attached hereto as Exhibit "2", stating that the proposed abandonment will not cause a conversion of prime farmland.
- (iii) Conrail is unaware of any effect the proposed abandonment would have on a designated coastal zone. The Indiana Department of Natural Resources and the Regional U.S. Environmental Protection Agency were consulted in this regard. Upon receipt of any response, Conrail will forward the same to the Board.
- (iv) The right-of-way is suitable for alternative public use. Conrail intends to sell the Line to the Indiana Department of Parks and Recreation for development and expansion of the Pennsy Trail system.

4. **Energy.** (i) Describe the effect of the proposed action on transportation of energy resources. (ii) Describe the effect of the proposed action on recyclable commodities. (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why. (iv) If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given. To minimize the production of repetitive data, the information on overall energy efficiency in § 1105.7(e)(4)(iii) need not be supplied if the more detailed information in § 1105.7(e)(4)(iv) is required.

Response: The Line is out of service and has not handled any local or overhead traffic for over two years. Therefore, the proposed abandonment will not affect the transportation of energy resources or recyclable commodities, will not result in any change in overall energy efficiency, and will not cause any diversion from rail to motor carriage.

5. **Air.** (i) If the proposed action will result in either: (A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least

eight trains a day on any segment of rail line affected by the proposal, or (B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. (ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either: (A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, (B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. 10901 (or 49 U.S.C. 10502), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply. (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Response: Because the Line has been out of service for more than two years and has handled no traffic within that period, the proposed abandonment will have no impact on rail or motor carrier traffic. In addition, the abandonment would not affect the air quality or the transportation of ozone depleting materials.

6. **Noise.** If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) An incremental increase in noise levels of three decibels Ldn or more; or (ii) An increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

Response: This assessment is inapplicable to the proposed abandonment because the thresholds identified in item 49 C.F.R. § 1105.7(5)(i) have not been surpassed.

7. **Safety.** (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings). (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the

applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials. (iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

Response:

- (i) Because the Line is out of service and not connected to any other line of railroad, the proposed action will have no effect on public health and safety.
- (ii) No hazardous materials will be transported as a result of the proposed abandonment.
- (iii) Conrail is unaware of any hazardous material spills on the right-of-way.

8. Biological resources. (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects. (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

Response:

- (i) Conrail is aware of no endangered or threatened species or areas designated as a critical habitat likely to be affected by the proposed abandonment. The U.S. Fish and Wildlife Service Indiana Field Office was consulted on this matter by letter dated August 26, 2019. Upon receipt of any response, Conrail will forward the same to the Board.
- (ii) The proposed abandonment will have no effects on wildlife sanctuaries or national or state parks or forests. Conrail consulted with the National Park Service Conservation and Outdoor Recreation Division by letter dated August 26, 2019 to ascertain whether any wildlife sanctuaries, national or state parks or forests were likely to be affected. NPS responded by letter on September 25, 2019, attached hereto as Exhibit "3", stating the NPS "does not have any concerns." In addition, a letter was sent on August 26, 2019 to the National Park Service Midwest Region for consultation on the matter. Upon receipt of any further response, Conrail will forward the same to the Board.

9. Water.

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies. (ii) Based on consultation with the U.S.

Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects. (iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

Response:

- (i) Conrail is aware of no inconsistency of the proposed abandonment with federal, state or local water quality standards. The Indiana Department of Natural Resources Division of Water and the Indiana Department of Environmental Management have been contacted for comment on this matter by letters dated August 26, 2019. Upon receipt of any response, Conrail will forward the same to the Board.
- (ii) No dredging or discharge of dredge or fill materials into navigable waters will be involved and therefore no permits will be required under Section 4004 of the Clean Water Act (33 U.S.C. § 1344). The proposed abandonment will not affect designated wetlands or 100-year floodplains. Consultation was requested on this issue from the U.S. Army Corps of Engineers by letter dated August 26, 2019. Upon receipt of any response, Conrail will forward the same to the Board.
- (iii) Permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are not required for the proposed action because there will be no pollutant discharge as a result of the abandonment. Conrail wrote to the Indiana Department of Environmental Management, U.S. Environmental Protection Agency, and Indiana Department of Natural Resources for comment on the proposed action. Upon receipt of any response, Conrail will forward the same to the Board.

10. Proposed Mitigation. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Response: Abandonment of the Line will not produce adverse environmental impacts and thus, mitigation is inapplicable.

11. Additional Information for Rail Constructions.

Response: Inapplicable, as the proposed abandonment is not a rail construction project.

HISTORIC

1. Proposed Action and Alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action.

Response: The proposed action is the abandonment of an out-of-service section of a line of railroad known as Thorne Secondary, Line Code 8206, from Milepost 179.52 to 180.80 in the city of Indianapolis, Indiana, within U.S. Postal Service Zip Code 46219 (the "Line"). Conrail expects to file a Notice of Exemption to abandon the Line on or after November 25, 2019. As the Line has been out of service for more than two years, no commodities are transported on the Line and no changes in current operations or maintenance practices will result from the proposed abandonment. There are no structures located on the Line and the planned abandonment will not result in any salvage activity. The purpose of the abandonment of the Line is to facilitate the sale of the Line to the Indiana Department of Parks & Recreation for development and expansion of their trail system, Pennsy Trail. Conrail is not aware of any other reasonable alternative to the proposed abandonment. The Line is not active or connected to any other line of railroad and is not within Conrail's operating territory. In prior proceedings, a portion of Thorne Secondary, east of the proposed action, was legally abandoned years ago: Charlottesville, Milepost 158.0 to Indianapolis, Milepost 179.8 in ICC No. AB-167 (Sub. No. 284N). Also, the line west of Thorne Secondary, known as Arlington Runner, Line Code 8342, from Milepost 0.10 to Milepost 0.25 was legally abandoned in STB No. AB-167 (Sub. No. 1167X). There have been no customers served off the Line for more than two years.

2. Map. A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action.

Response: A map of the Line proposed for abandonment is attached as Exhibit "1".

3. Description of Right of Way. A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area;

Response: The right-of-way proposed for abandonment approximately 1.28 miles long and is located in Indianapolis, Indiana within United States Postal Service Zip Code 46219. The Line runs from Milepost 179.52 to 180.80. The topography of the surrounding area is flat.

4. **Photographs.** Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

Response: There are no structures on the property.

5. **Construction Dates.** The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known.

Response: Not applicable because there are no structures on the property.

6. **Carrier Operations.** A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action;

Response: The Line is out of service and has handled no traffic within the past two years. Consequently, no change in operations is contemplated as a result of the proposed abandonment.

7. **Summary of Documents.** A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic;

Response: There are no structures on the Line that have been determined to be historic.

8. **Opinion regarding historical matters.** An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);

Response: Based on readily available information in its possession and consultation with the Indiana Department of Natural Resources ("IDNR"), it is Conrail's opinion that the site of the Line does not meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4). There is not a likelihood of archeological resources or any other previously unknown historic properties on the Line. Conrail has consulted with the IDNR by letter dated August 26, 2019. The IDNR responded on October 4, 2019, and stated that the IDNR did not identify "any

historic buildings, structures, districts, or objects listed in or eligible for inclusion in the National Register of Historic Places within the probable area of potential effects.” A copy of the IDNR response is attached hereto as Exhibit “4”.

9. Description of certain matters. A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

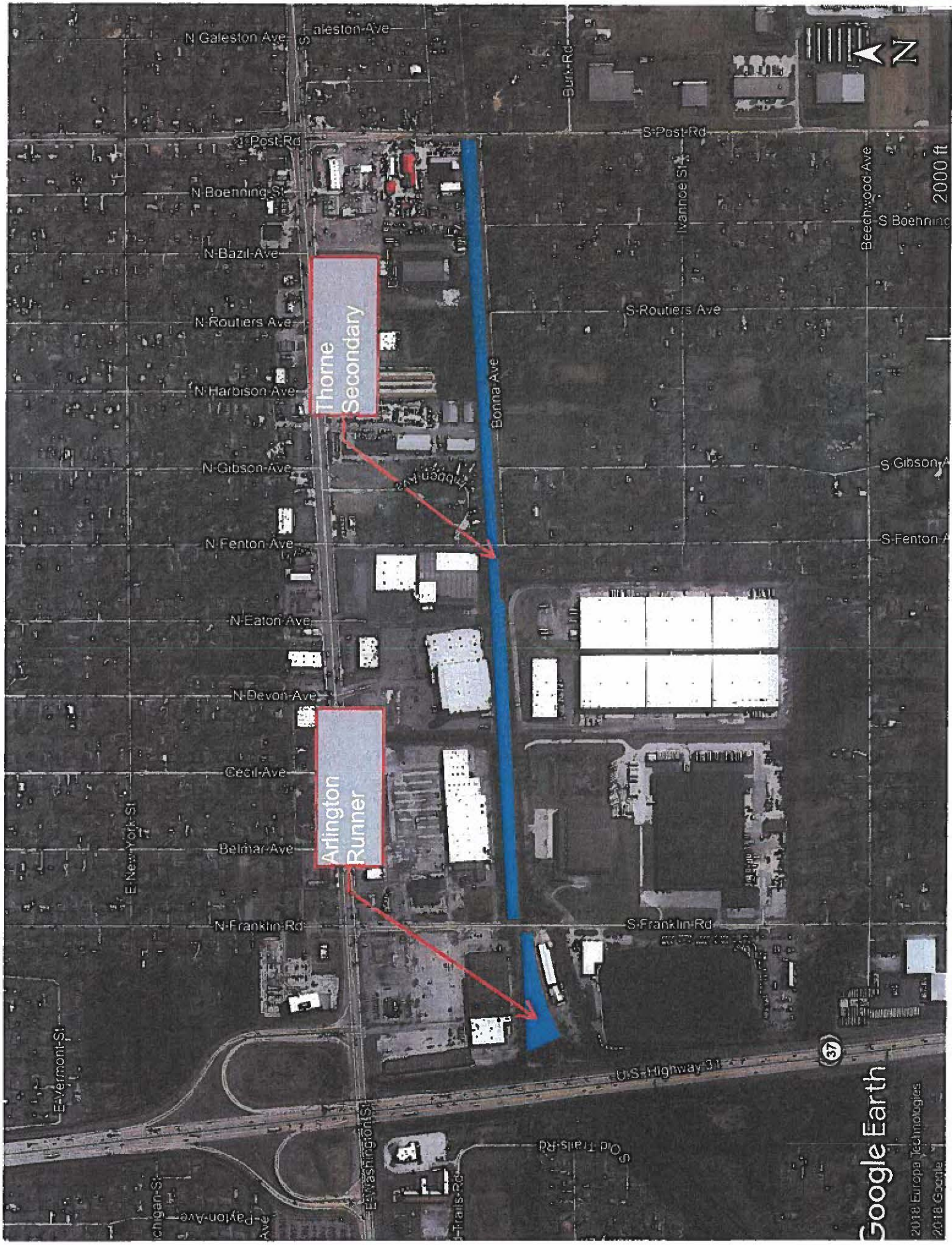
Response: Based on readily available information in its possession, Conrail is aware of no prior subsurface ground disturbance or fill or environmental conditions (naturally occurring or man-made) that might affect the archeological recovery of resources. The Indiana Department of Natural Resources (“IDNR”) was consulted on this issue on August 26, 2019. In its response dated October 2, 2019, IDNR took no issue with Conrail’s abandonment of the Line. A copy of the IDNR response is attached hereto as Exhibit “4”.

CERTIFICATION

Pursuant to the requirements of 49 C.F.R. §§ 1105.7(c) and 1105.8(c), the undersigned certifies that a copy of the Environmental and Historic Report was mailed, via U.S. Mail, First Class, Postage Pre-paid, from Harrisburg, Pennsylvania to the agencies listed on the attached Service List and within the time period specified in 49 C.F.R. §§ 1105.7(b) and 1105.8(c). The undersigned also certifies that he has consulted with all appropriate agencies in preparing the Environmental and Historic Report.

A handwritten signature in blue ink, reading "Benjamin C. Dunlap, Jr.", is written over a horizontal line.

Benjamin C. Dunlap, Jr., Esquire



September 10, 2019

Benjamin C. Dunlap, Jr.
Nauman Smith
200 North 3rd Street, 18th Floor
Harrisburg, Pennsylvania 17101

Dear Mr. Dunlap:

The proposed project to abandon and sell an out of-service section of a rail line in Indianapolis known as Thorne Secondary, Line Code 8206 to the Indiana Department of Parks & Recreation for development and expansion of their trail system, Pennsy Trail in Marion County, Indiana, as referred to in your letter received August 29, 2019, will not cause a conversion of prime farmland.

If you need additional information, please contact Daniel Phillips at 317-295-5871.

Sincerely,

JERRY RAYNOR
State Conservationist



From: [Benjamin Dunlap](#)
To: [Jennifer Bruce](#)
Subject: FW: Railroad Line Abandonment
Date: Wednesday, September 25, 2019 2:56:00 PM

From: Hennessy, Rita <rita_hennessy@nps.gov>
Sent: Wednesday, September 25, 2019 1:55 PM
To: Benjamin Dunlap <bdunlapjr@nssh.com>
Subject: Railroad Line Abandonment

Hi Ben,

Per your letter dated August 26, 2019 addressed to Bob Ratcliffe, and my followup phone call today, the National Park Service does not have any concerns.

--

Rita Hennessy
Program Lead, Wild and Scenic Rivers & National Trails Systems
Department of the Interior
National Park Service
1849 C Street, NW, Rm 1344
Washington, DC 20240
202-354-6938

"A national trail is a gateway into nature's secret beauties, a portal to the past, a way into solitude and community. It is also an inroad to our national character. Our trails are both irresistible and indispensable."

—STEWART UDALL, US Secretary of the Interior (1961–69); 1920–2010



Division of Historic Preservation & Archaeology 402 W. Washington Street, W274 Indianapolis, IN 46204-2739
Phone 317-232-1646 Fax 317-232-0693 dhpa@dnr.IN.gov



October 4, 2019

Benjamin C. Dunlap, Jr.
Nauman Smith
P.O. Box 840
Harrisburg, Pennsylvania 17108-0840

Federal Agency: Surface Transportation Board

Re: Information concerning the proposed abandonment of Thorne Secondary from Milepost 179.52 to 180.80
(DHPA No. 24337)

Dear Mr. Dunlap:

Pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) and 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has conducted an analysis of the materials dated August 26, 2019 and received on September 6, 2019, for the above indicated project in Indianapolis, Marion County, Indiana.

Based upon the documentation available to the staff of the Indiana SHPO, we have not identified any historic buildings, structures, districts, or objects listed in or eligible for inclusion in the National Register of Historic Places within the probable area of potential effects.

In terms of archaeology, it is our understanding that the currently proposed undertaking is for the abandonment only; therefore, should archaeological resources should be impacted by the abandonment.

If any prehistoric or historic archaeological artifacts or human remains are uncovered during future construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days. In that event, please call (317) 232-1646. Be advised that adherence to Indiana Code 14-21-1-27 and 29 does not obviate the need to adhere to applicable federal statutes and regulations, including but not limited to 36 C.F.R. 800.

At this time, it would be appropriate for the Surface Transportation Board to analyze the information that has been gathered from the Indiana SHPO, the general public, and any other consulting parties and make the necessary determinations and findings. Please refer to the following comments for guidance:

- 1) If the Surface Transportation Board believes that a determination of "no historic properties affected" accurately reflects its assessment, then it shall provide documentation of its finding as set forth in 36 C.F.R. § 800.11 to the Indiana SHPO, notify all consulting parties, and make the documentation available for public inspection (36 C.F.R. §§ 800.4[d][1] and 800.2[d][2]).
- 2) If, on the other hand, the Surface Transportation Board finds that an historic property may be affected, then it shall notify the Indiana SHPO, the public and all consulting parties of its finding and seek views on effects in accordance with 36 C.F.R. §§ 800.4(d)(2) and 800.2(d)(2). Thereafter, the Surface Transportation Board may proceed to apply the criteria of adverse effect and determine whether the project will result in a "no adverse effect" or an "adverse effect" in accordance with 36 C.F.R. § 800.5.

Benjamin C. Dunlap, Jr.
October 4, 2019
Page 2

If you have questions about archaeological issues please contact Amy Johnson at (317) 232-6982 or ajohnson@dnr.IN.gov. If you have questions about buildings or structures please contact Danielle Kauffmann at (317) 232-0582 or dkauffmann@dnr.IN.gov. Additionally, in all future correspondence regarding the above indicated project, please refer to DHPA #24337.

Very truly yours,



Beth K. McCord
Deputy State Historic Preservation Officer

BKM:DMK:ALJ:aj

enc: David C. Navecky, Surface Transportation Board

EXHIBIT "C"

Please Reply to:
P. O. Box 840
Harrisburg, PA 17108-0840

Benjamin C. Dunlap, Jr.
E-mail: bdunlapjr@nssh.com
Telephone Extension: 121

November 15, 2019

Indiana Utility Regulatory Commission
PNC Center
101 W. Washington Street, Suite 1500E
Indianapolis, IN 46204

National Park Service
Conservation and Outdoor Recreation
Division
1849 C Street NW
Washington, DC 20240

Michael B. Jett, Utilities and Railroad Director,
Indiana Department of Transportation
100 North Senate Ave, IGCN 642
Indianapolis, IN 46204

Vicki Christiansen, Chief
U.S. Forest Service
1400 Independence Ave, SW
Washington, DC 20250-1111

Railroads for National Defense Program
SDDC Transportation Engineering Agency
1 Soldier Way, 1900W
Scott AFB, IL 62225-5006

**RE: Docket No. AB-167 (Sub. No. 1194X)
Consolidated Rail Corporation –
Abandonment Exemption – in Indianapolis, Indiana**

Dear Sir/Madam:

This letter is to notify you pursuant to 49 C.F.R. 1152.50(d)(1) that on or after November 25, 2019, Consolidated Rail Corporation (“Conrail”) intends to file a Notice of Exemption with the Surface Transportation Board for abandonment of the rail line shown on the enclosed map, and more fully described below:

Name: Thorne Secondary, Line Code 8206

Location: Indianapolis, Indiana

Description of Track: From approximately milepost 179.52± to 180.80± in the city of Indianapolis, Indiana within United States Postal Service Zip Code 46219.

Length of Track: 1.28 total miles ±

The Notice of Exemption will be filed pursuant to the provisions of 49 C.F.R. 1152.50 regarding abandonment of out-of-service lines of railroad. Because the subject line is out of service and has handled no traffic for over two years, the abandonment will result in no change in current operations or maintenance. The purpose of the abandonment of Milepost 179.52 to 180.80 is to facilitate the sale of the Line to the Indiana Department of Parks & Recreation for development and expansion of their trail system, Pennsy Trail. This segment of railroad is not connected to the national network and no customers have been served off this segment for more than two years. The only alternative considered is no action.

Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

If you have any questions concerning this proceeding, please contact me.

Sincerely yours,

Benjamin C. Dunlap, Jr.

BCDjr/wlr
enclosure

EXHIBIT "D"

Nauman Smith

Attorneys At Law

Please Reply to:
P.O. Box 840
Harrisburg, PA 17108-0840

Benjamin C. Dunlap, Jr.
Email: bdunlapjr@nssh.com
(717) 236-3010, Ext. 121

October 25, 2019

To: All Parties on Attached Service List

RE: Docket No. AB-167 (Sub. No. 1194X)
Consolidated Rail Corporation – Abandonment
Exemption – in Indianapolis, Indiana

On or after November 25, 2019, Consolidated Rail Corporation (“Conrail”) expects to be filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking to abandon an out-of-service section of a rail line in Indianapolis, Indiana, known as Thorne Secondary, Line Code 8206, running from Milepost 179.52 to 180.80 (the “Line”). There has been no rail service over the entirety of the Line for over two years. The Line travels through Postal Service Zip Code 46219.

Enclosed is a combined Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area. Conrail is providing this report so that you may review the information that will form the basis for the STB’s independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board’s environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, 395 E Street, SW, Washington, DC 20423, telephone number (202) 245-0291 and refer to the above Docket No. AB 167 (Sub. No. 1194X). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA (with a copy to Conrail’s representative named below) would be appreciated within three weeks.

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact Conrail’s representative directly. Conrail’s representative in this matter is Benjamin C. Dunlap, Jr., who may be contacted by telephone at (717) 236-3010, ext. 121, by mail at 200 North Third Street, 18th Floor, Harrisburg, Pennsylvania, 17101, or by email at bdunlapjr@nssh.com.

Thank you for your cooperation.

Sincerely,



Benjamin C. Dunlap, Jr.

Enclosure(s)

Superior analysis. Effective solutions. Since 1871.

ENVIRONMENTAL AND HISTORIC REPORT
SERVICE LIST

Cynthia T. Brown, Chief
Section of Administration, Office of
Proceedings
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423-0001

Communications and Outreach Branch,
NOAA, N/NGS12
National Geodetic Survey, SSMC3
#9340
1315 East-West Highway
Silver Spring, MD 20910-3282

Patricia Trap, Acting Regional Director
National Park Service
Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

U.S. Environmental Protection Agency
Region 5
77 W. Jackson Blvd.
Chicago, IL 60604

Bob Ratcliffe, Division Chief
National Park Service
Conservation and Outdoor Recreation Division
1749 C. St. NW
Washington, DC 20240

U.S. Fish and Wildlife Service
Indiana Field Office
620 S. Walker Street
Bloomington, IN 47403-2121

Indiana Department of Environmental
Management
Indiana Government Center North
100 North Senate Avenue
Indianapolis, IN 46204

Ryan Mueller, Director
Indiana Dept. of Natural Resources
Division of Water
402 W. Washington St., Room W264
Indianapolis, IN 46204

Dale Brier, Director
Indiana Department of Natural Resources
Division of Outdoor Recreation
402 W. Washington St., Room W271
Indianapolis, IN 46204

U.S. Army Corps of Engineers
Louisville District
P.O. Box 59
Louisville, KY 40201-0059

Beth McCord, Director and Deputy State
Historic Preservation Officer
Indiana Department of Natural Resources
Division of Historic Preservation &
Archaeology
402 W. Washington St., Room W274
Indianapolis, IN 46204

Jerry Raynor, State conservationist
Natural Resource Conservation Service
Indiana State Office
6013 Lakeside Boulevard
Indianapolis, Indiana 46278-2933

Mayor Joe Hogsett
200 E. Washington St.
Suite 2501
Indianapolis, IN 46204

City-County Council
200 E. Washington St.
T241
Indianapolis, IN 46204

INDOT Greenfield District
32 South Broadway
Greenfield, IN 46140

Surface Deployment and Distribution
Command, Dept. of Army
Public Affairs
1 Soldier Way, Rm 3129
Scott AFB, IL 62225-5006

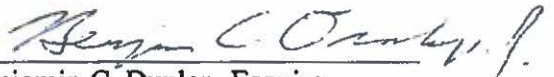
U.S. Railroad Retirement Board
Birch Bayh Federal Building
46 East Ohio Street, Ste 413
Indianapolis, IN 46204-1946

Department of Defense
Transportation Engineering Agency
1 Soldier Way, Bldg. 1900W
Scott AFB, IL 6225-5006

Vicki Christiansen, Chief
U.S. Forest Service
United States Department of Agriculture
1400 Independence Ave, SW
Washington, DC 20250-1111

Federal Railroad Administration
Region 4
200 West Adams Street, Suite 310
Chicago, IL 60606

Date: October 25, 2019


Benjamin C. Dunlap, Esquire

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C. 20423

STB NO. AB 167 (SUB-NO. 1194X)

CONSOLIDATED RAIL CORPORATION – ABANDONMENT EXEMPTION – IN
INDIANAPOLIS, INDIANA

NOTICE OF EXEMPTION

ENVIRONMENTAL AND HISTORIC REPORT

Consolidated Rail Corporation (“Conrail”) submits this combined Environmental and Historic report in accordance with 49 C.F.R. §§ 1105.7 and 1105.8. Conrail has fulfilled the requirements of §§ 1105.7 and 1105.8 by consulting with the specified and appropriate public agencies by sending letters requesting comments on the effect of this proposed abandonment on the environment and on matters of historic preservation. Copies of the all the letters and responses received to date by Conrail are attached to this Report. Any responses received in the future will be promptly furnished to the Board.

ENVIRONMENTAL

1. **Proposed Action and Alternatives.** Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Response: The proposed action is the abandonment of an out-of-service section of a line of railroad known as Thorne Secondary, Line Code 8206, from Milepost 179.52 to 180.80 in the City of Indianapolis, Indiana, within U.S. Postal Service Zip Code 46219 (the “Line”). Conrail expects to file a Notice of Exemption to abandon the Line on or after November 25, 2019. As the

Line has been out of service for more than two years, no commodities are transported on the Line and no changes in current operations or maintenance practices will result from the proposed abandonment. There are no structures located on the Line and the planned abandonment will not result in any salvage activity. The purpose of the abandonment of the Line is to facilitate the sale of the Line to the Indiana Department of Parks & Recreation for development and expansion of their trail system, Pennsy Trail. Conrail is not aware of any other reasonable alternative to the proposed abandonment. The Line is not active or connected to any other line of railroad and is not within Conrail's operating territory. In prior proceedings, a portion of Thorne Secondary, east of the proposed action, was legally abandoned years ago: Charlottesville, Milepost 158.0 to Indianapolis, Milepost 179.8 in ICC No. AB-167 (Sub. No. 284N). Also, the line west of Thorne Secondary, known as Arlington Runner, Line Code 8342, from Milepost 0.10 to Milepost 0.25 was legally abandoned in STB No. AB-167 (Sub. No. 1167X). There have been no customers served off the Line for more than two years. A detailed map is attached as Exhibit "1".

2. Transportation System. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

Response: The proposed abandonment will not have any effects on regional or local transportation systems and patterns because the Line has been out of service for more than two years. There will not be a diversion of passengers or freight to any other transportation systems or modes as a result of the proposed abandonment. Conrail sent a letter to the Indiana Department of Transportation requesting comment on the proposed abandonment on August 26, 2019. Upon receipt of any response, Conrail will forward the same to the Board.

3. Land Use. (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies. (ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land. (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9. (iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10905 and explain why.

Response:

- (i) Conrail is unaware of any inconsistencies between the proposed abandonment and existing land use plans. Mayor Joe Hogsett and the City-County Council of Indianapolis and Marion County were consulted on this matter by letters dated August 26, 2019. Upon receipt of any response, Conrail will forward the same to the Board.
- (ii) The proposed abandonment will not have any effect on prime agricultural land. Conrail has consulted with the U.S. Soil Conservation Service, now called the Natural Resources Conservation Service ("NRCS"), on this matter by letter dated August 26, 2019. The NRCS responded on September 10, 2019, a copy of the letter is attached hereto as Exhibit "2", stating that the proposed abandonment will not cause a conversion of prime farmland.
- (iii) Conrail is unaware of any effect the proposed abandonment would have on a designated coastal zone. The Indiana Department of Natural Resources and the Regional U.S. Environmental Protection Agency were consulted in this regard. Upon receipt of any response, Conrail will forward the same to the Board.
- (iv) The right-of-way is suitable for alternative public use. Conrail intends to sell the Line to the Indiana Department of Parks and Recreation for development and expansion of the Pennsy Trail system.

- 4. Energy. (i) Describe the effect of the proposed action on transportation of energy resources. (ii) Describe the effect of the proposed action on recyclable commodities. (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why. (iv) If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given. To minimize the production of repetitive data, the information on overall energy efficiency in § 1105.7(e)(4)(iii) need not be supplied if the more detailed information in § 1105.7(e)(4)(iv) is required.

Response: The Line is out of service and has not handled any local or overhead traffic for over two years. Therefore, the proposed abandonment will not affect the transportation of energy resources or recyclable commodities, will not result in any change in overall energy efficiency, and will not cause any diversion from rail to motor carriage.

- 5. Air. (i) If the proposed action will result in either: (A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least

eight trains a day on any segment of rail line affected by the proposal, or (B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. (ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either: (A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, (B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. 10901 (or 49 U.S.C. 10502), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply. (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Response: Because the Line has been out of service for more than two years and has handled no traffic within that period, the proposed abandonment will have no impact on rail or motor carrier traffic. In addition, the abandonment would not affect the air quality or the transportation of ozone depleting materials.

6. **Noise.** If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) An incremental increase in noise levels of three decibels Ldn or more; or (ii) An increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

Response: This assessment is inapplicable to the proposed abandonment because the thresholds identified in item 49 C.F.R. § 1105.7(5)(i) have not been surpassed.

7. **Safety.** (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings). (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the

applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials. (iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

Response:

- (i) Because the Line is out of service and not connected to any other line of railroad, the proposed action will have no effect on public health and safety.
- (ii) No hazardous materials will be transported as a result of the proposed abandonment.
- (iii) Conrail is unaware of any hazardous material spills on the right-of-way.

8. Biological resources. (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects. (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

Response:

- (i) Conrail is aware of no endangered or threatened species or areas designated as a critical habitat likely to be affected by the proposed abandonment. The U.S. Fish and Wildlife Service Indiana Field Office was consulted on this matter by letter dated August 26, 2019. Upon receipt of any response, Conrail will forward the same to the Board.
- (ii) The proposed abandonment will have no effects on wildlife sanctuaries or national or state parks or forests. Conrail consulted with the National Park Service Conservation and Outdoor Recreation Division by letter dated August 26, 2019 to ascertain whether any wildlife sanctuaries, national or state parks or forests were likely to be affected. NPS responded by letter on September 25, 2019, attached hereto as Exhibit "3", stating the NPS "does not have any concerns." In addition, a letter was sent on August 26, 2019 to the National Park Service Midwest Region for consultation on the matter. Upon receipt of any further response, Conrail will forward the same to the Board.

9. Water.

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies. (ii) Based on consultation with the U.S.

Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects. (iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

Response:

(i) Conrail is aware of no inconsistency of the proposed abandonment with federal, state or local water quality standards. The Indiana Department of Natural Resources Division of Water and the Indiana Department of Environmental Management have been contacted for comment on this matter by letters dated August 26, 2019. Upon receipt of any response, Conrail will forward the same to the Board.

(ii) No dredging or discharge of dredge or fill materials into navigable waters will be involved and therefore no permits will be required under Section 4004 of the Clean Water Act (33 U.S.C. § 1344). The proposed abandonment will not affect designated wetlands or 100-year floodplains. Consultation was requested on this issue from the U.S. Army Corps of Engineers by letter dated August 26, 2019. Upon receipt of any response, Conrail will forward the same to the Board.

(iii) Permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are not required for the proposed action because there will be no pollutant discharge as a result of the abandonment. Conrail wrote to the Indiana Department of Environmental Management, U.S. Environmental Protection Agency, and Indiana Department of Natural Resources for comment on the proposed action. Upon receipt of any response, Conrail will forward the same to the Board.

10. Proposed Mitigation. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Response: Abandonment of the Line will not produce adverse environmental impacts and thus, mitigation is inapplicable.

11. Additional Information for Rail Constructions.

Response: Inapplicable, as the proposed abandonment is not a rail construction project.

HISTORIC

1. Proposed Action and Alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action.

Response: The proposed action is the abandonment of an out-of-service section of a line of railroad known as Thorne Secondary, Line Code 8206, from Milepost 179.52 to 180.80 in the city of Indianapolis, Indiana, within U.S. Postal Service Zip Code 46219 (the "Line"). Conrail expects to file a Notice of Exemption to abandon the Line on or after November 25, 2019. As the Line has been out of service for more than two years, no commodities are transported on the Line and no changes in current operations or maintenance practices will result from the proposed abandonment. There are no structures located on the Line and the planned abandonment will not result in any salvage activity. The purpose of the abandonment of the Line is to facilitate the sale of the Line to the Indiana Department of Parks & Recreation for development and expansion of their trail system, Pennsy Trail. Conrail is not aware of any other reasonable alternative to the proposed abandonment. The Line is not active or connected to any other line of railroad and is not within Conrail's operating territory. In prior proceedings, a portion of Thorne Secondary, east of the proposed action, was legally abandoned years ago: Charlottesville, Milepost 158.0 to Indianapolis, Milepost 179.8 in ICC No. AB-167 (Sub. No. 284N). Also, the line west of Thorne Secondary, known as Arlington Runner, Line Code 8342, from Milepost 0.10 to Milepost 0.25 was legally abandoned in STB No. AB-167 (Sub. No. 1167X). There have been no customers served off the Line for more than two years.

2. Map. A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action.

Response: A map of the Line proposed for abandonment is attached as Exhibit "1".

3. Description of Right of Way. A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area;

Response: The right-of-way proposed for abandonment approximately 1.28 miles long and is located in Indianapolis, Indiana within United States Postal Service Zip Code 46219. The Line runs from Milepost 179.52 to 180.80. The topography of the surrounding area is flat.

4. **Photographs.** Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

Response: There are no structures on the property.

5. **Construction Dates.** The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known.

Response: Not applicable because there are no structures on the property.

6. **Carrier Operations.** A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action;

Response: The Line is out of service and has handled no traffic within the past two years. Consequently, no change in operations is contemplated as a result of the proposed abandonment.

7. **Summary of Documents.** A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic;

Response: There are no structures on the Line that have been determined to be historic.

8. **Opinion regarding historical matters.** An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);

Response: Based on readily available information in its possession and consultation with the Indiana Department of Natural Resources ("IDNR"), it is Conrail's opinion that the site of the Line does not meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4). There is not a likelihood of archeological resources or any other previously unknown historic properties on the Line. Conrail has consulted with the IDNR by letter dated August 26, 2019. The IDNR responded on October 4, 2019, and stated that the IDNR did not identify "any

historic buildings, structures, districts, or objects listed in or eligible for inclusion in the National Register of Historic Places within the probable area of potential effects.” A copy of the IDNR response is attached hereto as Exhibit “4”.

9. Description of certain matters. A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

Response: Based on readily available information in its possession, Conrail is aware of no prior subsurface ground disturbance or fill or environmental conditions (naturally occurring or man-made) that might affect the archeological recovery of resources. The Indiana Department of Natural Resources (“IDNR”) was consulted on this issue on August 26, 2019. In its response dated October 2, 2019, IDNR took no issue with Conrail’s abandonment of the Line. A copy of the IDNR response is attached hereto as Exhibit “4”.

CERTIFICATION

Pursuant to the requirements of 49 C.F.R. §§ 1105.7(c) and 1105.8(c), the undersigned certifies that a copy of the Environmental and Historic Report was mailed, via U.S. Mail, First Class, Postage Pre-paid, from Harrisburg, Pennsylvania to the agencies listed on the attached Service List and within the time period specified in 49 C.F.R. §§ 1105.7(b) and 1105.8(c). The undersigned also certifies that he has consulted with all appropriate agencies in preparing the Environmental and Historic Report.


Benjamin C. Dunlap, Jr., Esquire

EXHIBIT 1

EXHIBIT 2



Natural Resources Conservation Service
Indiana State Office
6013 Lakeside Boulevard
Indianapolis, IN 46278
317-290-3200

September 10, 2019

Benjamin C. Dunlap, Jr.
Nauman Smith
200 North 3rd Street, 18th Floor
Harrisburg, Pennsylvania 17101

Dear Mr. Dunlap:

The proposed project to abandon and sell an out of-service section of a rail line in Indianapolis known as Thorne Secondary, Line Code 8206 to the Indiana Department of Parks & Recreation for development and expansion of their trail system, Pennsy Trail in Marion County, Indiana, as referred to in your letter received August 29, 2019, will not cause a conversion of prime farmland.

If you need additional information, please contact Daniel Phillips at 317-295-5871.

Sincerely,

JERRY RAYNOR Digitally signed by JERRY RAYNOR
Date: 2019.09.13 14:49:17 -04'00'

JERRY RAYNOR
State Conservationist

Helping People Help the Land.



USDA is an equal opportunity provider, employer and lender.

EXHIBIT 3

From: Benjamin Dunlap
To: Jennifer Bruce
Subject: FW: Railroad Line Abandonment
Date: Wednesday, September 25, 2019 2:56:00 PM

From: Hennessy, Rita <rita_hennessy@nps.gov>
Sent: Wednesday, September 25, 2019 1:55 PM
To: Benjamin Dunlap <bdunlapjr@nssh.com>
Subject: Railroad Line Abandonment

Hi Ben,

Per your letter dated August 26, 2019 addressed to Bob Ratcliffe, and my followup phone call today, the National Park Service does not have any concerns.

--

Rita Hennessy
Program Lead, Wild and Scenic Rivers & National Trails Systems
Department of the Interior
National Park Service
1849 C Street, NW, Rm 1344
Washington, DC 20240
202-354-6938

"A national trail is a gateway into nature's secret beauties, a portal to the past, a way into solitude and community. It is also an inroad to our national character. Our trails are both irresistible and indispensable."

—STEWART UDALL, US Secretary of the Interior (1961–69); 1920–2010



EXHIBIT 4



Indiana Department
of Natural Resources

Eric Holcomb, Governor
Cameron F. Clark, Director

Division of Historic Preservation & Archaeology 402 W. Washington Street, W274 Indianapolis, IN 46204-2739
Phone 317-232-1646 Fax 317-232-0693 dhpa@dnr.IN.gov



October 4, 2019

Benjamin C. Dunlap, Jr.
Nauman Smith
P.O. Box 840
Harrisburg, Pennsylvania 17108-0840

Federal Agency: Surface Transportation Board

Re: Information concerning the proposed abandonment of Thorne Secondary from Milepost 179.52 to 180.80
(DHPA No. 24337)

Dear Mr. Dunlap:

Pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) and 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has conducted an analysis of the materials dated August 26, 2019 and received on September 6, 2019, for the above indicated project in Indianapolis, Marion County, Indiana.

Based upon the documentation available to the staff of the Indiana SHPO, we have not identified any historic buildings, structures, districts, or objects listed in or eligible for inclusion in the National Register of Historic Places within the probable area of potential effects.

In terms of archaeology, it is our understanding that the currently proposed undertaking is for the abandonment only; therefore, should archaeological resources should be impacted by the abandonment.

If any prehistoric or historic archaeological artifacts or human remains are uncovered during future construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days. In that event, please call (317) 232-1646. Be advised that adherence to Indiana Code 14-21-1-27 and 29 does not obviate the need to adhere to applicable federal statutes and regulations, including but not limited to 36 C.F.R. 800.

At this time, it would be appropriate for the Surface Transportation Board to analyze the information that has been gathered from the Indiana SHPO, the general public, and any other consulting parties and make the necessary determinations and findings. Please refer to the following comments for guidance:

- 1) If the Surface Transportation Board believes that a determination of "no historic properties affected" accurately reflects its assessment, then it shall provide documentation of its finding as set forth in 36 C.F.R. § 800.11 to the Indiana SHPO, notify all consulting parties, and make the documentation available for public inspection (36 C.F.R. §§ 800.4[d][1] and 800.2[d][2]).
- 2) If, on the other hand, the Surface Transportation Board finds that an historic property may be affected, then it shall notify the Indiana SHPO, the public and all consulting parties of its finding and seek views on effects in accordance with 36 C.F.R. §§ 800.4(d)(2) and 800.2(d)(2). Thereafter, the Surface Transportation Board may proceed to apply the criteria of adverse effect and determine whether the project will result in a "no adverse effect" or an "adverse effect" in accordance with 36 C.F.R. § 800.5.

Benjamin C. Dunlap, Jr.
October 4, 2019
Page 2

If you have questions about archaeological issues please contact Amy Johnson at (317) 232-6982 or ajohnson@dnr.IN.gov. If you have questions about buildings or structures please contact Danielle Kauffmann at (317) 232-0582 or dkauffmann@dnr.IN.gov. Additionally, in all future correspondence regarding the above indicated project, please refer to DHPA #24337.

Very truly yours,



Beth K. McCord
Deputy State Historic Preservation Officer

BKM:DMK:ALJ:aj

emc: David C. Navecky, Surface Transportation Board

EXHIBIT "E"

Nauman Smith

Attorneys At Law

Please Reply to:
P. O. Box 840
Harrisburg, PA 17108-0840

Benjamin C. Dunlap, Jr.
E-mail: bdunlapjr@nssh.com
(717) 236-3010, Ext. 121

August 26, 2019

City-County Council
200 E. Washington St.
T241
Indianapolis, IN 46204

**SENT VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

**In re: Request for Consultation Regarding Railroad Line Abandonment in
Indianapolis**

Dear Sir/Madam:

Consolidated Rail Corporation ("Conrail"), which is represented by this law firm, is proposing to abandon an out-of-service section of a rail line in Indianapolis, IN, known as Thorne Secondary, Line Code 8206, running from Milepost 179.52 to 180.80 (the "Line"). There has been no rail service over the entirety of the Line for over two years. The Line travels through Postal Service Zip Code 46219.

To begin this abandonment process, Conrail must file an application with the Surface Transportation Board ("STB"). This application will be docketed as be **STB No. AB-167 (Sub. No. 1194X)**. The Line is not within Conrail's operating territory and is not active or connected to any other line of railroad. A portion of Thorne Secondary, east of the proposed action, was legally abandoned years ago: Charlottesville, Milepost 158.0 to Indianapolis, Milepost 179.8 in **ICC No. AB-167 (Sub. No. 284N)**. The Line west of Thorne Secondary, known as Arlington Runner, Line Code 8342, from Milepost 0.10 to Milepost 0.25 was legally abandoned in **STB No. AB-167 (Sub. No. 1167X)**.

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Is the proposed abandonment consistent with existing land use plans? If not, please describe any inconsistencies.

Superior analysis. Effective solutions. Since 1871.

Nauman Smith Shissler & Hall, LLP • 200 North 3rd Street, 18th Floor • Harrisburg, PA 17101 • **717.236.3010** • fax: 717.234.1925 • www.nssh.com

August 26, 2019
City-County Council
Page 2

Please forward any comments you may have regarding this proposal, in writing, to the address below. Because of the necessary time schedules for the STB filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance, please contact me at (717) 236-3010, Ext. 121. Thank you for your cooperation.

Sincerely,

A handwritten signature in blue ink, reading "Benjamin C. Dunlap, Jr.", written in a cursive style.

Benjamin C. Dunlap, Jr.

Enclosure(s)

Nauman Smith

Attorneys At Law

Please Reply to:
P. O. Box 840
Harrisburg, PA 17108-0840

Benjamin C. Dunlap, Jr.
E-mail: bdunlapjr@nssh.com
(717) 236-3010, Ext. 121

August 26, 2019

U.S. Army Corps of Engineers
Louisville District
P.O. Box 59
Louisville, KY 40201-0059

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**In re: Request for Consultation Regarding Railroad Line Abandonment in
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Are permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) required for the proposed abandonment? Will any designated wetlands or 100-year flood plains be affected? If so, describe the effects.

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August 26, 2019
U.S. Army Corps of Engineers
Page 2

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Benjamin C. Dunlap, Jr.

Enclosure(s)

Nauman Smith

Attorneys At Law

Please Reply to:
P. O. Box 840
Harrisburg, PA 17108-0840

Benjamin C. Dunlap, Jr.
E-mail: bdunlapjr@nssh.com
(717) 236-3010, Ext. 121

August 26, 2019

Mayor Joe Hogsett
200 E. Washington St.
Suite 2501
Indianapolis, IN 46204

**SENT VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

**In re: Request for Consultation Regarding Railroad Line Abandonment in
Indianapolis**

Dear Mr. Hogsett:

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Is the proposed abandonment consistent with existing land use plans? If not, please describe any inconsistencies.

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August 26, 2019
Mayor Joe Hogsett
Page 2

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Benjamin C. Dunlap, Jr.

Enclosure(s)



Please Reply to:
P. O. Box 840
Harrisburg, PA 17108-0840

Benjamin C. Dunlap, Jr.
E-mail: bdunlapjr@nssh.com
(717) 236-3010, Ext. 121

August 26, 2019

Patricia Trap, Acting Regional Director
National Park Service
Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

**SENT VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

**In re: Request for Consultation Regarding Railroad Line Abandonment in
Indianapolis**

Dear Ms. Trap:

Consolidated Rail Corporation ("Conrail"), which is represented by this law firm, is proposing to abandon an out-of-service section of a rail line in Indianapolis, IN, known as Thorne Secondary, Line Code 8206, running from Milepost 179.52 to 180.80 (the "Line"). There has been no rail service over the entirety of the Line for over two years. The Line travels through Postal Service Zip Code 46219.

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Are there any wildlife sanctuaries or refuges, National or State parks or forests in the vicinity of the proposed abandonment? If so, would there be any effects?

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August 26, 2019
National Park Service
Page 2

Please forward any comments you may have regarding this proposal, in writing, to the address below. Because of the necessary time schedules for the STB filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance, please contact me at (717) 236-3010, Ext. 121. Thank you for your cooperation.

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Benjamin C. Dunlap, Jr.

Enclosure(s)



Please Reply to:
P. O. Box 840
Harrisburg, PA 17108-0840

Benjamin C. Dunlap, Jr.
E-mail: bdunlapjr@nssh.com
(717) 236-3010, Ext. 121

August 26, 2019

Jerry Raynor, State Conservationist
Natural Resource Conservation Service
Indiana State Office
6013 Lakeside Boulevard
Indianapolis, Indiana 46278-2933

**SENT VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

**In re: Request for Consultation Regarding Railroad Line Abandonment in
Indianapolis**

Dear Mr. Raynor:

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Does the proposed action affect any prime agricultural land? If so, please describe the effects.

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August 26, 2019
Natural Resource Conservation Service
Page 2

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Benjamin C. Dunlap, Jr.

Enclosure(s)

Nauman Smith

Attorneys At Law

Please Reply to:
P. O. Box 840
Harrisburg, PA 17108-0840

Benjamin C. Dunlap, Jr.
E-mail: bdunlapjr@nssh.com
(717) 236-3010, Ext. 121

August 26, 2019

Federal Railroad Administration
Region 4
200 West Adams Street, Suite 310
Chicago, IL 60606

**SENT VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

**In re: Request for Consultation Regarding Railroad Line Abandonment in
Indianapolis**

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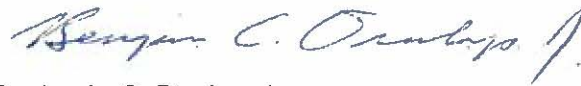
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Nauman Smith Shiesler & Hall, LLP • 200 North 3rd Street, 18th Floor • Harrisburg, PA 17101 • **717.236.3010** • fax: 717.234.1925 • www.nssh.com

August 26, 2019
Federal Railroad Administration
Page 2

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Enclosure(s)

Nauman Smith

Attorneys At Law

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P. O. Box 840
Harrisburg, PA 17108-0840

Benjamin C. Dunlap, Jr.
E-mail: bdunlapjr@nssh.com
(717) 236-3010, Ext. 121

August 26, 2019

U.S. Environmental Protection Agency
Region 5
77 W. Jackson Blvd.
Chicago, IL 60604

**SENT VIA CERTIFIED MAIL
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**In re: Request for Consultation Regarding Railroad Line Abandonment in
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August 26, 2019
U.S. Environmental Protection Agency
Page 2

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Benjamin C. Dunlap, Jr.

Enclosure(s)

Nauman Smith

Attorneys At Law

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P. O. Box 840
Harrisburg, PA 17108-0840

Benjamin C. Dunlap, Jr.
E-mail: bdunlapjr@nssh.com
(717) 236-3010, Ext. 121

August 26, 2019

Surface Deployment and Distribution Command
Dept. of Army
Public Affairs
1 Soldier Way, Rm 3129
Scott AFB, IL 62225-5006

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August 26, 2019
Surface Deployment and Distribution Command
Page 2

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Enclosure(s)



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Benjamin C. Dunlap, Jr.
E-mail: bdunlapjr@nssh.com
(717) 236-3010, Ext. 121

August 26, 2019

Department of Defense
Transportation Engineering Agency
1 Soldier Way, Bldg. 1900W
Scott AFB, IL 62225-5006

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August 26, 2019
Department of Defense
Page 2

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Enclosure(s)

Nauman Smith

Attorneys At Law

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Harrisburg, PA 17108-0840

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E-mail: bdunlapjr@nssh.com
(717) 236-3010, Ext. 121

August 26, 2019

Vicki Christiansen, Chief
U.S. Forest Service
United States Department of Agriculture
1400 Independence Ave, SW
Washington, DC 20250-1111

**SENT VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

**In re: Request for Consultation Regarding Railroad Line Abandonment in
Indianapolis**

Dear Ms. Christiansen:

Consolidated Rail Corporation ("Conrail"), which is represented by this law firm, is proposing to abandon an out-of-service section of a rail line in Indianapolis, IN, known as Thorne Secondary, Line Code 8206, running from Milepost 179.52 to 180.80 (the "Line"). There has been no rail service over the entirety of the Line for over two years. The Line travels through Postal Service Zip Code 46219.

To begin this abandonment process, Conrail must file an application with the Surface Transportation Board ("STB"). This application will be docketed as **STB No. AB-167 (Sub. No. 1194X)**. The Line is not within Conrail's operating territory and is not active or connected to any other line of railroad. A portion of Thorne Secondary, east of the proposed action, was legally abandoned years ago: Charlottesville, Milepost 158.0 to Indianapolis, Milepost 179.8 in **ICC No. AB-167 (Sub. No. 284N)**. The Line west of Thorne Secondary, known as Arlington Runner, Line Code 8342, from Milepost 0.10 to Milepost 0.25 was legally abandoned in **STB No. AB-167 (Sub. No. 1167X)**.

The purpose of the abandonment of Milepost 179.52 to 180.80 is to facilitate the sale of the Line to the Indiana Department of Parks & Recreation for development and expansion of their trail system, Pennsy Trail. This segment of railroad is not connected to the national network and no customers have been served off this segment for more than two years. Enclosed is a map showing the Line being considered.

Superior analysis. Effective solutions. Since 1871.

Nauman Smith Shissler & Hall, LLP • 200 North 3rd Street, 18th Floor • Harrisburg, PA 17101 • **717.236.3010** • fax: 717.234.1925 • www.nssh.com

August 26, 2019
U.S. Forest Service
Page 2

Please forward any comments you may have regarding this proposal, in writing, to the address below. Because of the necessary time schedules for the STB filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance, please contact me at (717) 236-3010, Ext. 121. Thank you for your cooperation.

Sincerely,

A handwritten signature in blue ink that reads "Benjamin C. Dunlap, Jr." with a stylized flourish at the end.

Benjamin C. Dunlap, Jr.

Enclosure(s)

Nauman Smith

Attorneys At Law

Please Reply to:
P. O. Box 840
Harrisburg, PA 17108-0840

Benjamin C. Dunlap, Jr.
E-mail: bdunlapjr@nssh.com
(717) 236-3010, Ext. 121

August 26, 2019

Communications and Outreach Branch, NOAA, N/NGS12
National Geodetic Survey, SSMC3 #9340
1315 East-West Highway
Silver Spring, MD 20910-3282

**SENT VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

**In re: Request for Consultation Regarding Railroad Line Abandonment in
Indianapolis**

Dear Sir/Madam:

Consolidated Rail Corporation ("Conrail"), which is represented by this law firm, is proposing to abandon an out-of-service section of a rail line in Indianapolis, IN, known as Thorne Secondary, Line Code 8206, running from Milepost 179.52 to 180.80 (the "Line"). There has been no rail service over the entirety of the Line for over two years. The Line travels through Postal Service Zip Code 46219.

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Enclosed is a map showing the Line being considered. It is Conrail's position that no geodetic survey marks would be disturbed.

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Nauman Smith Shissler & Hall, LLP • 200 North 3rd Street, 18th Floor • Harrisburg, PA 17101 • **717.236.3010** • fax: 717.234.1925 • www.nssh.com

August 26, 2019
National Geodetic Survey
Page 2

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Sincerely,

A handwritten signature in blue ink that reads "Benjamin C. Dunlap, Jr." The signature is written in a cursive style with a large, stylized initial 'B'.

Benjamin C. Dunlap, Jr.

Enclosure(s)

Nauman Smith

Attorneys At Law

Please Reply to:
P. O. Box 840
Harrisburg, PA 17108-0840

Benjamin C. Dunlap, Jr.
E-mail: bdunlapjr@nssh.com
(717) 236-3010, Ext. 121

August 26, 2019

U.S. Railroad Retirement Board
Birch Bayh Federal Building
46 East Ohio Street, Ste 413
Indianapolis, IN 46204-1946

**SENT VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

**In re: Request for Consultation Regarding Railroad Line Abandonment in
Indianapolis**

Dear Sir/Madam:

Consolidated Rail Corporation ("Conrail"), which is represented by this law firm, is proposing to abandon an out-of-service section of a rail line in Indianapolis, IN, known as Thorne Secondary, Line Code 8206, running from Milepost 179.52 to 180.80 (the "Line"). There has been no rail service over the entirety of the Line for over two years. The Line travels through Postal Service Zip Code 46219.

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August 26, 2019
U.S. Railroad Retirement Board
Page 2

Please forward any comments you may have regarding this proposal, in writing, to the address below. Because of the necessary time schedules for the STB filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance, please contact me at (717) 236-3010, Ext. 121. Thank you for your cooperation.

Sincerely,

A handwritten signature in blue ink that reads "Benjamin C. Dunlap, Jr." with a stylized flourish at the end.

Benjamin C. Dunlap, Jr.

Enclosure(s)



Please Reply to:
P. O. Box 840
Harrisburg, PA 17108-0840

Benjamin C. Dunlap, Jr.
E-mail: bdunlapjr@nssh.com
(717) 236-3010, Ext. 121

August 26, 2019

Bob Ratcliffe, Division Chief
National Park Service
Conservation and Outdoor Recreation Division
1749 C. St. NW
Washington, DC 20240

**SENT VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

**In re: Request for Consultation Regarding Railroad Line Abandonment in
Indianapolis**

Dear Mr. Ratcliffe:

Consolidated Rail Corporation ("Conrail"), which is represented by this law firm, is proposing to abandon an out-of-service section of a rail line in Indianapolis, IN, known as Thorne Secondary, Line Code 8206, running from Milepost 179.52 to 180.80 (the "Line"). There has been no rail service over the entirety of the Line for over two years. The Line travels through Postal Service Zip Code 46219.

To begin this abandonment process, Conrail must file an application with the Surface Transportation Board ("STB"). This application will be docketed as **STB No. AB-167 (Sub. No. 1194X)**. The Line is not within Conrail's operating territory and is not active or connected to any other line of railroad. A portion of Thorne Secondary, east of the proposed action, was legally abandoned years ago: Charlottesville, Milepost 158.0 to Indianapolis, Milepost 179.8 in **ICC No. AB-167 (Sub. No. 284N)**. The Line west of Thorne Secondary, known as Arlington Runner, Line Code 8342, from Milepost 0.10 to Milepost 0.25 was legally abandoned in **STB No. AB-167 (Sub. No. 1167X)**.

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Are there any wildlife sanctuaries or refuges, National or State parks or forests in the vicinity of the proposed abandonment? If so, would there be any effects?

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August 26, 2019
National Park Service
Page 2

Please forward any comments you may have regarding this proposal, in writing, to the address below. Because of the necessary time schedules for the STB filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance, please contact me at (717) 236-3010, Ext. 121. Thank you for your cooperation.

Sincerely,

A handwritten signature in dark ink, appearing to read "Benjamin C. Dunlap, Jr.", written in a cursive style.

Benjamin C. Dunlap, Jr.

Enclosure(s)



Please Reply to:
P. O. Box 840
Harrisburg, PA 17108-0840

Benjamin C. Dunlap, Jr.
E-mail: bdunlapjr@nssh.com
(717) 236-3010, Ext. 121

August 26, 2019

Beth McCord
Indiana Department of Natural Resources
Division of Historic Preservation & Archaeology
402 W. Washington St., Room W274
Indianapolis, IN 46204

**SENT VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

**In re: Request for Consultation Regarding Railroad Line Abandonment in
Indianapolis**

Dear Ms. McCord:

Consolidated Rail Corporation ("Conrail"), which is represented by this law firm, is proposing to abandon an out-of-service section of a rail line in Indianapolis, IN, known as Thorne Secondary, Line Code 8206, running from Milepost 179.52 to 180.80 (the "Line"). There has been no rail service over the entirety of the Line for over two years. The Line travels through Postal Service Zip Code 46219.

To begin this abandonment process, Conrail must file an application with the Surface Transportation Board ("STB"). This application will be docketed as be **STB No. AB-167 (Sub. No. 1194X)**. The Line is not within Conrail's operating territory and is not active or connected to any other line of railroad. A portion of Thorne Secondary, east of the proposed action, was legally abandoned years ago: Charlottesville, Milepost 158.0 to Indianapolis, Milepost 179.8 in **ICC No. AB-167 (Sub. No. 284N)**. The Line west of Thorne Secondary, known as Arlington Runner, Line Code 8342, from Milepost 0.10 to Milepost 0.25 was legally abandoned in **STB No. AB-167 (Sub. No. 1167X)**.

The purpose of the abandonment of Milepost 179.52 to 180.80 is to facilitate the sale of the Line to the Indiana Department of Parks & Recreation for development and expansion of their trail system, Pennsy Trail. This segment of railroad is not connected to the national network and no customers have been served off this segment for more than two years. Enclosed is a map showing the Line being considered.

It is Conrail's position that none of the characteristics of the Line hold any special historical or engineering significance.

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August 26, 2019
Indiana Department of Natural Resources
Page 2

Please forward any comments you may have regarding this proposal, in writing, to the address below. Because of the necessary time schedules for the STB filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance, please contact me at (717) 236-3010, Ext. 121. Thank you for your cooperation.

Sincerely,

A handwritten signature in blue ink that reads "Benjamin C. Dunlap, Jr." The signature is written in a cursive style with a large initial 'B' and a trailing flourish.

Benjamin C. Dunlap, Jr.

Enclosure(s)

Nauman Smith

Attorneys At Law

Please Reply to:
P. O. Box 840
Harrisburg, PA 17108-0840

Benjamin C. Dunlap, Jr.
E-mail: bdunlapjr@nssh.com
(717) 236-3010, Ext. 121

August 26, 2019

Dale Brier, Director
Indiana Department of Natural Resources
Division of Outdoor Recreation
402 W. Washington St., Room W271
Indianapolis, IN 46204

**SENT VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

**In re: Request for Consultation Regarding Railroad Line Abandonment in
Indianapolis**

Dear Mr. Brier:

Consolidated Rail Corporation ("Conrail"), which is represented by this law firm, is proposing to abandon an out-of-service section of a rail line in Indianapolis, IN, known as Thorne Secondary, Line Code 8206, running from Milepost 179.52 to 180.80 (the "Line"). There has been no rail service over the entirety of the Line for over two years. The Line travels through Postal Service Zip Code 46219.

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The purpose of the abandonment of Milepost 179.52 to 180.80 is to facilitate the sale of the Line to the Indiana Department of Parks & Recreation for development and expansion of their trail system, Pennsy Trail. This segment of railroad is not connected to the national network and no customers have been served off this segment for more than two years. Enclosed is a map showing the Line being considered.

Are permits under Section 402 of the Clean Water Act (33 U.S.C. § 1344) required for the proposed abandonment? Are there any coastal zones in the vicinity of the proposed action? If so, what effect would the proposed action have?

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August 26, 2019
Indiana Department of Natural Resources
Page 2

Please forward any comments you may have regarding this proposal, in writing, to the address below. Because of the necessary time schedules for the STB filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance, please contact me at (717) 236-3010, Ext. 121. Thank you for your cooperation.

Sincerely,

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Benjamin C. Dunlap, Jr.

Enclosure(s)

Nauman Smith

Attorneys At Law

Please Reply to:
P. O. Box 840
Harrisburg, PA 17108-0840

Benjamin C. Dunlap, Jr.
E-mail: bdunlapjr@nssh.com
(717) 236-3010, Ext. 121

August 26, 2019

Ryan Mueller, Director
Indiana Dept. of Natural Resources
Division of Water
402 W. Washington St., Room W264
Indianapolis, IN 46204

**SENT VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

**In re: Request for Consultation Regarding Railroad Line Abandonment in
Indianapolis**

Dear Mr. Mueller:

Consolidated Rail Corporation ("Conrail"), which is represented by this law firm, is proposing to abandon an out-of-service section of a rail line in Indianapolis, IN, known as Thorne Secondary, Line Code 8206, running from Milepost 179.52 to 180.80 (the "Line"). There has been no rail service over the entirety of the Line for over two years. The Line travels through Postal Service Zip Code 46219.

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Is the proposed action consistent with Federal, State, and Local water quality standards? If not, please describe any inconsistencies. Are permits under Section 402 of the Clean Water Act (33 U.S.C. § 1344) required for the proposed abandonment?

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Nauman Smith Shiesler & Hall, LLP • 200 North 3rd Street, 18th Floor • Harrisburg, PA 17101 • **717.236.3010** • fax: 717.234.1925 • www.nssh.com

August 26, 2019
Indiana Dept. of Natural Resources
Page 2

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Sincerely,

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Benjamin C. Dunlap, Jr.

Enclosure(s)



Please Reply to:
P. O. Box 840
Harrisburg, PA 17108-0840

Benjamin C. Dunlap, Jr.
E-mail: bdunlapjr@nssh.com
(717) 236-3010, Ext. 121

August 26, 2019

Indiana Department of Environmental Management
Indiana Government Center North
100 North Senate Avenue
Indianapolis, IN 46204

**SENT VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

**In re: Request for Consultation Regarding Railroad Line Abandonment in
Indianapolis**

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August 26, 2019

Indiana Department of Environmental Management

Page 2

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Benjamin C. Dunlap, Jr.

Enclosure(s)

Nauman Smith

Attorneys At Law

Please Reply to:
P. O. Box 840
Harrisburg, PA 17108-0840

Benjamin C. Dunlap, Jr.
E-mail: bdunlapjr@nssh.com
(717) 236-3010, Ext. 121

August 26, 2019

U.S. Fish and Wildlife Service
Indiana Field Office
620 S. Walker Street
Bloomington, IN 47403-2121

**SENT VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

**In re: Request for Consultation Regarding Railroad Line Abandonment in
Indianapolis**

Dear Sir/Madam:

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Is the proposed action likely to adversely affect endangered or threatened species or areas designated as a critical habitat? If so, describe any effects.

Superior analysis. Effective solutions. Since 1871.

Nauman Smith Shissler & Hall, LLP • 200 North 3rd Street, 18th Floor • Harrisburg, PA 17101 • 717.236.3010 • fax: 717.234.1925 • www.nssh.com

August 26, 2019
U.S. Fish and Wildlife Service
Page 2

Please forward any comments you may have regarding this proposal, in writing, to the address below. Because of the necessary time schedules for the STB filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance, please contact me at (717) 236-3010, Ext. 121. Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script, reading "Benjamin C. Dunlap, Jr.", written in dark ink.

Benjamin C. Dunlap, Jr.

Enclosure(s)

Nauman Smith

Attorneys At Law

Please Reply to:
P. O. Box 840
Harrisburg, PA 17108-0840

Benjamin C. Dunlap, Jr.
E-mail: bdunlapjr@nssh.com
(717) 236-3010, Ext. 121

August 26, 2019

INDOT Greenfield District
32 South Broadway
Greenfield, IN 46140

**SENT VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

**In re: Request for Consultation Regarding Railroad Line Abandonment in
Indianapolis**

Dear Sir/Madam:

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Enclosed is a map showing the Line being considered. Will the proposed action have any effects on regional or local transportation systems?

August 26, 2019
INDOT Greenfield District
Page 2

Please forward any comments you may have regarding this proposal, in writing, to the address below. Because of the necessary time schedules for the STB filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance, please contact me at (717) 236-3010, Ext. 121. Thank you for your cooperation.

Sincerely,

A handwritten signature in blue ink, reading "Benjamin C. Dunlap, Jr.", with a stylized flourish at the end.

Benjamin C. Dunlap, Jr.

Enclosure(s)

Jennifer Bruce

From: Benjamin Dunlap
Sent: Friday, August 30, 2019 1:35 PM
To: Jennifer Bruce
Subject: Fwd: AB-167 (Sub. No. 1194X)

Follow Up Flag: Follow up
Flag Status: Completed

----- Forwarded message -----

From: "Dorfman, David P CIV (US)" <david.p.dorfman.civ@mail.mil>
Date: Aug 30, 2019 12:00 PM
Subject: AB-167 (Sub. No. 1194X)
To: Benjamin Dunlap <bdunlapjr@nssh.com>
Cc: "DiCenso, David J CIV USARMY SDDC (USA)" <david.j.dicenso.civ@mail.mil>, "Ahrens, Collena H CIV USARMY SDDC (USA)" <collena.h.ahrens.civ@mail.mil>

Mr. Dunlap,

The abandonment of 1.28 miles of the Thorne Secondary as described in AB-167 (Sub. No. 1194X) has no effect on national defense. We have no plans to oppose or comment on AB-167 (Sub. No. 1194X). We monitor all abandonments, but we generally do not file comments unless we see a military impact.

Yours truly,

David P. Dorfman, P.E.
Senior Engineer
Railroads for National Defense Program
SDDC Transportation Engineering Agency
1 Soldier Way, Building 1900W
Scott AFB, IL 62225-5006
Phone: 618-220-5741; DSN 770-5741
email: david.p.dorfman.civ@mail.mil

Jennifer Bruce

From: Spann, Marcus L. <Marcus.Spann@rrb.gov>
Sent: Monday, September 9, 2019 11:26 AM
To: Benjamin Dunlap
Subject: Line abandonment

Good morning Mr. Dunlap,

Reference our phone conversation, the U.S. Railroad Retirement Board has no interest in the abandonment of the Conrail line.

v/r

Marcus L Spann
District Manager
U.S. Railroad Retirement Board
Birch Bayh Federal Building
46 E Ohio St., RM 413
Indianapolis IN 46204-1903
1-877-772-5772
Fax: 317-226-5374



United States Department of Agriculture

Natural Resources Conservation Service
Indiana State Office
6013 Lakeside Boulevard
Indianapolis, IN 46278
317-290-3200

September 10, 2019

Benjamin C. Dunlap, Jr.
Nauman Smith
200 North 3rd Street, 18th Floor
Harrisburg, Pennsylvania 17101

Dear Mr. Dunlap:

The proposed project to abandon and sell an out of-service section of a rail line in Indianapolis known as Thorne Secondary, Line Code 8206 to the Indiana Department of Parks & Recreation for development and expansion of their trail system, Pennsy Trail in Marion County, Indiana, as referred to in your letter received August 29, 2019, will not cause a conversion of prime farmland.

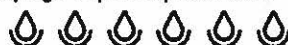
If you need additional information, please contact Daniel Phillips at 317-295-5871.

Sincerely,

JERRY RAYNOR Digitally signed by JERRY RAYNOR
Date: 2019.09.13 14:49:17 -04'00'

JERRY RAYNOR
State Conservationist

Helping People Help the Land.



USDA is an equal opportunity provider, employer and lender.

Benjamin Dunlap

From: deborah.brooks <ngs.infocenter@noaa.gov>
Sent: Thursday, September 12, 2019 7:47 PM
To: Benjamin Dunlap
Subject: [JIRA] (IMOV-6082) NGS Response STB Docket No. AB-167 (Sub.No.1194X)

Thank you for submitting your request. Below is your request summary

(IMOV-6082) NGS Response STB Docket No. AB-167 (Sub.No.1194X)

Components: NGS_Responses

Created: 12 Sep 2019 7:46 PM

Thank you for informing the National Geodetic Survey (NGS) of Consolidated Rail Corporation (Conrail) 's decision to abandon the Thorne Secondary, Line Code 8206 running from Milepost 179.52 to Milepost 180.80 in Indianapolis, IN.

There could be geodetic survey marks located in the area described, and any marks still present could be disturbed by the abandonment. While it is illegal to disturb or destroy a mark, sometimes disturbing or destroying a mark is unavoidable. In such cases, the mark can often be preserved or reset with advanced planning. NGS provides the public with tools to search for and locate survey marks, see the NGS Data Explorer (<https://geodesy.noaa.gov/NGSDataExplorer/>).

If a mark will be disturbed by the abandonment, Conrail should consult with NGS at least 90 days prior to beginning salvage activities that will disturb, or destroy any geodetic marks identified nearby. Information is available online to help reset marks or report disturbed/destroyed marks: <https://geodesy.noaa.gov/surveys/mark-recovery/index.shtml>
<<https://www.google.com/url?q=https://geodesy.noaa.gov/surveys/mark-recovery/index.shtml&sa=D&ust=1560385764139000&usg=AFQjCNGDkoXCHtBcDJBsXm2KQLkhcwYDxQ>>.

If you have additional questions, email NGS.Infocenter@noaa.gov

This notice is also being shared with John Ellingson (john.ellingson@noaa.gov, 202 306-6904) the Regional Geodetic Advisor, so he may work with any interested local agencies or stakeholders.

If you have additional questions, email NGS.Infocenter@noaa.gov.

Sincerely,

Deborah M. Brooks

Geodesist

deborah.brooks@noaa.gov

More information on preserving marks, mark resets, and destroyed marks.

Preserving Marks

Significant resources were invested to create an extensive geodetic network across the United States by establishing precise coordinates at physical survey marks. Disturbing or destroying these marks reduces geodetic control available to local surveyors, so please make every effort to preserve this valuable network.

Mark Resets

If a mark is about to be destroyed (e.g., due to planned construction), it may be possible to reset the mark and retain the geodetic control. Review the Bench Mark Reset Procedures (https://geodesy.noaa.gov/PUBS_LIB/Benchmark_4_1_2011.pdf) or contact your closest geodetic advisor (<https://geodesy.noaa.gov/ADVISORS/index.shtml>). Please do not attempt to reset a mark that has been separated from the base. Any remnants of destroyed marks must be properly discarded and not reused in any manner, as this is a violation of Federal law.

Destroyed Marks

If it is determined that a mark has been destroyed, please provide enough photo evidence to show how this determination was made. To submit this information to NGS, follow the instructions regarding "destroyed marks" on the Mark Recovery Entry web page (https://geodesy.noaa.gov/cgi-bin/recvy_entry_www.prl)

Jennifer Bruce

From: Benjamin Dunlap
Sent: Wednesday, September 25, 2019 2:57 PM
To: Jennifer Bruce
Subject: FW: Railroad Line Abandonment

From: Hennessy, Rita <rita_hennessy@nps.gov>
Sent: Wednesday, September 25, 2019 1:55 PM
To: Benjamin Dunlap <bdunlapjr@nssh.com>
Subject: Railroad Line Abandonment

Hi Ben,

Per your letter dated August 26, 2019 addressed to Bob Ratcliffe, and my followup phone call today, the National Park Service does not have any concerns.

Rita Hennessy
Program Lead, Wild and Scenic Rivers & National Trails Systems
Department of the Interior
National Park Service
1849 C Street, NW, Rm 1344
Washington, DC 20240
202-354-6938

"A national trail is a gateway into nature's secret beauties, a portal to the past, a way into solitude and community. It is also an inroad to our national character. Our trails are both irresistible and indispensable."
—STEWART UDALL, US Secretary of the Interior (1961–69); 1920–2010



Benjamin Dunlap

From: John Ellingson - NOAA Federal <john.ellingson@noaa.gov>
Sent: Thursday, October 3, 2019 5:35 PM
To: Benjamin Dunlap
Cc: Deborah Brooks - NOAA Federal
Subject: STB Docket STB No. AB-167 (sub no. 1194X)

Mr Dunlap,

This afternoon I received a copy of your letter to NGS notifying us of the track abandonment in Indianapolis, IN. Using the map you attached, I was able to complete a search of our database to see if any historical marks existed in that stretch of rail line. My search showed that NGS has no geodetic marks in the area of you proposed abandonment.

Thank you for contacting us about this matter. It is in the public's interest to always attempt to save any existing geodetic marks. I am glad that there are none in your project area. By this email, I am confirming that you have done your duty to notify us of possible threats to marks in that area, and informing you that you can consider this matter involving NGS closed.

John Ellingson
Great Lakes Regional Geodetic Advisor
National Geodetic Survey

*John T. Ellingson PE PLS
NOAA's National Geodetic Survey (NGS) | Regional Geodetic Advisor -Great Lakes Region (MI-IN-IL-WI)
Cell 202-306-6904 | email: john.ellingson@noaa.gov | (My office is located in the Central Time Zone)
Views expressed are those of the author and not necessarily those of NGS*



Indiana Department
of Natural Resources

Eric Holcomb, Governor
Cameron F. Clark, Director

Division of Historic Preservation & Archaeology 402 W. Washington Street, W274 Indianapolis, IN 46204-2739
Phone 317-232-1646 Fax 317-232-0693 dhpa@dnr.IN.gov



October 4, 2019

Benjamin C. Dunlap, Jr.
Nauman Smith
P.O. Box 840
Harrisburg, Pennsylvania 17108-0840

Federal Agency: Surface Transportation Board

Re: Information concerning the proposed abandonment of Thorne Secondary from Milepost 179.52 to 180.80
(DHPA No. 24337)

Dear Mr. Dunlap:

Pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) and 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has conducted an analysis of the materials dated August 26, 2019 and received on September 6, 2019, for the above indicated project in Indianapolis, Marion County, Indiana.

Based upon the documentation available to the staff of the Indiana SHPO, we have not identified any historic buildings, structures, districts, or objects listed in or eligible for inclusion in the National Register of Historic Places within the probable area of potential effects.

In terms of archaeology, it is our understanding that the currently proposed undertaking is for the abandonment only; therefore, should archaeological resources should be impacted by the abandonment.

If any prehistoric or historic archaeological artifacts or human remains are uncovered during future construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days. In that event, please call (317) 232-1646. Be advised that adherence to Indiana Code 14-21-1-27 and 29 does not obviate the need to adhere to applicable federal statutes and regulations, including but not limited to 36 C.F.R. 800.

At this time, it would be appropriate for the Surface Transportation Board to analyze the information that has been gathered from the Indiana SHPO, the general public, and any other consulting parties and make the necessary determinations and findings. Please refer to the following comments for guidance:

- 1) If the Surface Transportation Board believes that a determination of "no historic properties affected" accurately reflects its assessment, then it shall provide documentation of its finding as set forth in 36 C.F.R. § 800.11 to the Indiana SHPO, notify all consulting parties, and make the documentation available for public inspection (36 C.F.R. §§ 800.4[d][1] and 800.2[d][2]).
- 2) If, on the other hand, the Surface Transportation Board finds that an historic property may be affected, then it shall notify the Indiana SHPO, the public and all consulting parties of its finding and seek views on effects in accordance with 36 C.F.R. §§ 800.4(d)(2) and 800.2(d)(2). Thereafter, the Surface Transportation Board may proceed to apply the criteria of adverse effect and determine whether the project will result in a "no adverse effect" or an "adverse effect" in accordance with 36 C.F.R. § 800.5.

If you have questions about archaeological issues please contact Amy Johnson at (317) 232-6982 or ajohnson@dnr.IN.gov. If you have questions about buildings or structures please contact Danielle Kauffmann at (317) 232-0582 or dkauffmann@dnr.IN.gov. Additionally, in all future correspondence regarding the above indicated project, please refer to DHPA #24337.

Very truly yours,



Beth K. McCord
Deputy State Historic Preservation Officer

BKM:DMK:ALJ:aj

emc: David C. Navecky, Surface Transportation Board



Division of Historic Preservation & Archaeology-402 W. Washington Street, W274 Indianapolis, IN 46204-2739
Phone 317-232-1646-Fax 317-232-0693 dhpa@dnr.IN.gov



November 13, 2019

Benjamin C. Dunlap, Jr.
Nauman Smith
P.O. Box 840
Harrisburg, Pennsylvania 17108-0840

Federal Agency: Surface Transportation Board

Re: Additional information concerning the proposed abandonment of Thorne Secondary from Milepost 179.52 to 180.80 (Docket No. AB-167 [Sub. No. 1194X]; DHPA No. 24337)

Dear Mr. Dunlap:

Pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) and 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has conducted an analysis of the materials dated October 25, 2019 and received on October 29, 2019, for the above indicated project in Indianapolis, Marion County, Indiana.

As previously indicated, based upon the documentation available to the staff of the Indiana SHPO, we have not identified any historic buildings, structures, districts, or objects listed in or eligible for inclusion in the National Register of Historic Places within the probable area of potential effects.

In terms of archaeology, it is our understanding that the currently proposed undertaking is for the abandonment only; therefore, should archaeological resources should be impacted by the abandonment.

If any prehistoric or historic archaeological artifacts or human remains are uncovered during future construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days. In that event, please call (317) 232-1646. Be advised that adherence to Indiana Code 14-21-1-27 and 29 does not obviate the need to adhere to applicable federal statutes and regulations, including but not limited to 36 C.F.R. 800.

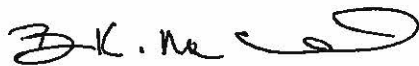
At this time, it would be appropriate for the Surface Transportation Board to analyze the information that has been gathered from the Indiana SHPO, the general public, and any other consulting parties and make the necessary determinations and findings. Please refer to the following comments for guidance:

- 1) If the Surface Transportation Board believes that a determination of "no historic properties affected" accurately reflects its assessment, then it shall provide documentation of its finding as set forth in 36 C.F.R. § 800.11 to the Indiana SHPO, notify all consulting parties, and make the documentation available for public inspection (36 C.F.R. §§ 800.4[d][1] and 800.2[d][2]).
- 2) If, on the other hand, the Surface Transportation Board finds that an historic property may be affected, then it shall notify the Indiana SHPO, the public and all consulting parties of its finding and seek views on effects in accordance with 36 C.F.R. §§ 800.4(d)(2) and 800.2(d)(2). Thereafter, the Surface Transportation Board may proceed to apply the criteria of adverse effect and determine whether the project will result in a "no adverse effect" or an "adverse effect" in accordance with 36 C.F.R. § 800.5.

Benjamin C. Dunlap, Jr.
November 13, 2019
Page 2

If you have questions about archaeological issues please contact Amy Johnson at (317) 232-6982 or ajohnson@dnr.IN.gov. If you have questions about buildings or structures please contact Danielle Kauffmann at (317) 232-0582 or dkauffmann@dnr.IN.gov. Additionally, in all future correspondence regarding the above indicated project, please refer to DHPA #24337.

Very truly yours,



Beth K. McCord
Deputy State Historic Preservation Officer

BKM:DMK:dmk

cnc: David C. Navecky, Surface Transportation Board

Jennifer Bruce

From: Benjamin Dunlap
Sent: Thursday, November 14, 2019 5:21 PM
To: Jennifer Bruce
Subject: FW: [JIRA] (IMOV-6082) NGS Response STB Docket No. AB-167 (Sub.No.1194X)

From: deborah.brooks <ngs.infocenter@noaa.gov>
Sent: Thursday, November 14, 2019 5:19 PM
To: Benjamin Dunlap <bdunlapjr@nssh.com>
Subject: [JIRA] (IMOV-6082) NGS Response STB Docket No. AB-167 (Sub.No.1194X)

A comment is added on your issue:

Re: NGS Response STB Docket No. AB-167 (Sub.No.1194X)

John Ellingson - NOAA Federal <john.ellingson@noaa.gov>
Thu, Oct 3, 5:35 PM
to bdunlapjr, Deborah

Mr Dunlap,

This afternoon I received a copy of your letter to NGS notifying us of the track abandonment in Indianapolis, IN. Using the map you attached, I was able to complete a search of our database to see if any historical marks existed in that stretch of rail line. My search showed that NGS has no geodetic marks in the area of you proposed abandonment.

Thank you for contacting us about this matter. It is in the public's interest to always attempt to save any existing geodetic marks. I am glad that there are none in your project area. By this email, I am confirming that you have done your duty to notify us of possible threats to marks in that area, and informing you that you can consider this matter involving NGS closed.

John Ellingson
Great Lakes Regional Geodetic Advisor
National Geodetic Survey
John T. Ellingson PE PLS

NOAA's National Geodetic Survey (NGS) | Regional Geodetic Advisor -Great Lakes Region (MI-IN-IL-WI)

Cell 202-306-6904 | email: john.ellingson@noaa.gov | (My office is located in the Central Time Zone)

Views expressed are those of the author and not necessarily those of NGS



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, LOUISVILLE DISTRICT
600 DR. MARTIN LUTHER KING JR PL
LOUISVILLE, KY 40202

November 18, 2019

Regulatory Division
North Branch
ID No. LRL-2019-994-MKD

Mr. Benjamin Dunlap, Jr.
Nauman Smith
P.O. Box 840
Harrisburg, PA 17108-0840

Dear Mr. Dunlap, Jr:

This is in response to your letter dated October 25, 2019, which requested review by our office of Consolidated Rail Corporation's (Conrail) proposal to abandon the out-of-service section of rail line, known as Thorne Secondary, located in Indianapolis, Marion County, Indiana. Specifically, you requested that we respond with a letter regarding the need for a Department of Army (DA) permit for the aforementioned proposal.

The U.S. Army Corps of Engineers (USACE) exercises regulatory authority under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403) and Section 404 of the Clean Water Act (33 U.S.C. § 1344) for certain activities in "waters of the United States (U.S.)" These waters include all waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce.

"Waters of the U.S." include hydrologically connected lakes, rivers, and stream channels (perennial, intermittent, ephemeral) exhibiting an Ordinary High Water Mark (OHWM), wetlands, sloughs, wet meadows and wetlands adjacent to "waters of the U.S." The OHWM elevation is the line on the bank established by the changing water surface and is indicated by physical characteristics such as a clear natural line impressed on the bank; shelving; changes in the character of the soil; destruction of terrestrial vegetation; and other indications as determined upon inspection of the area.

Based upon the information provided, there is no proposed discharge of fill into a "waters of the U.S." nor impacts to any navigable "waters of the U.S."; therefore a DA permit is not required. However, if the project would necessitate the discharge of dredged or fill material into "waters of the U.S.," including wetlands, plans should be submitted for our review.

Our comments on this project are limited to only those effects which may fall within our area of jurisdiction and thus does not obviate the need to obtain other permits from State or local agencies.

Further information on the Regulatory Program, including the DA permit application, can be obtained from our website located at:
<http://www.lrl.usace.army.mil/Missions/Regulatory.aspx>.

If you have any questions concerning this matter, please contact this office at the above address, ATTN: CELRL-RDN or call me at (502)315-6715. All correspondence pertaining to this matter should refer to our ID No. LRL-2019-994-MKD.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Davis', with a stylized, flowing script.

Michael Davis
Regulatory Specialist
Regulatory Division

EXHIBIT "F"

The Indianapolis Star

130 South Meridian Street
Indianapolis, IN 46225
Marion County, Indiana

Federal Id: 06-1032273

BRUCE, JENNIFER

Account #:7172363010

Order #:0003918868

of Affidavits: 1

Total Amount of Claim:\$638.68

This is not an invoice

BRUCE, JENNIFER
ATTN Jennifer Bruce
200 NORTH 3RD ST, 18TH FLOOR
HARRISBURG, PA 17100

PUBLISHER'S AFFIDAVIT

**STATE OF WISCONSIN, } SS:
County Of Brown**

Personally appeared before me, a notary public in and for said county and state, the undersigned

I, being duly sworn, say that I am a clerk for THE INDIANAPOLIS NEWSPAPERS a DAILY STAR newspaper of general circulation printed and published in the English language in the city of INDIANAPOLIS in state and county of Marion, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 times., the dates of publication being as follows:

The insertion being on the 11/26/2019

Newspaper has a website and this public notice was posted in the same day as it was published in the newspaper.

Pursuant to the provisions and penalties of Ch. 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Kathleen Allera

Date: 11-26, 2019 Title: Clerk

Subscribed and sworn to before me this 26 day of November, 2019

Notary Expires:

8-25-23

Shelly Hora

Notary Public

SHELLY HORA
Notary Public
State of Wisconsin

Notice of Intent to Abandon Rail Service

Consolidated Rail Corporation ("Conrail") gives notice that on or after December 2, 2019, it intends to file with the Surface Transportation Board, Washington, DC, a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments permitting the abandonment of a 1.28 mile line of railroad between railroad milepost 179.52 and railroad milepost 180.80 which traverses through United States Postal Service ZIP Codes 46219 in Indianapolis, Indiana. The proceeding will be docketed as No. AB-167 (Sub-No. 1194X).

The Board's Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, DC or by calling that office at (202) 245-0291.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of Proceedings, Washington, DC, and one copy must be served on applicants' representative. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative: Benjamin C. Dunlap, Jr., Esquire, Nauman, Smith, Shissler & Hall LLP, 200 North Third Street, 18th Floor, Harrisburg, Pennsylvania, 17101, telephone (717) 236-3010, ext. 121.

(S - 11/26/19 - 0003918868)

hspaxlp