

BEFORE THE
SURFACE TRANSPORTATION BOARD

ENTERED
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May 17, 2021
Part of
Public Record

LANDOWNERS -- ADVERSE	)	
ABANDONMENT -- INDIANA	)	DOCKET NO. AB-1065
SOUTHWESTERN RAILWAY CO. IN	)	(SUB-NO. 3)
POSEY AND VANDENBURGH	)	
COUNTIES, IND	)	

DRAFT ENVIRONMENTAL AND HISTORIC REPORT

ROBERT D. BENDER, ET AL.,
LANDOWNERS
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2100 Central Street, Suite 22
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Applicants

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Attorneys for Applicants

Dated: May 14, 2021

BEFORE THE
SURFACE TRANSPORTATION BOARD

LANDOWNERS -- ADVERSE	)	
ABANDONMENT -- INDIANA	)	DOCKET NO. AB-1065
SOUTHWESTERN RAILWAY CO. IN	)	(SUB-NO. 3)
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DRAFT ENVIRONMENTAL AND HISTORIC REPORT

Pursuant to 49 C.F.R. § 1105.7(e); 49 C.F.R. § 1105.8(d); and the Board's decision in this proceeding served April 7, 2021 at 5, the Landowners listed in Appendix 1 (the Landowners) hereby submit a Draft Environmental and Historic Report (DEHR) for circulation to interested agencies and opportunity for comment.

I. Environmental Report

The Landowners hereby submit the following information required by 49 C.F.R. § 1105.7(e):

(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.

The action is an Application for Adverse Abandonment in which the Landowners seek a finding that the present or future public convenience and necessity require or permit abandonment of a rail line that extends (1) between Milepost 227.5 at or near Poseyville and Milepost 240.2 in German Township; and (2) between Milepost 277.5 at or near Cynthiana and Milepost 282.0 at or near Poseyville, a total distance of

approximately 17.2 miles in Posey and Vanderburgh Counties, Indiana (the Rail Line).

A map of the Rail Line is attached as Appendix 2.

No commodities have been transported over the Rail Line for more than 16 years.

The track materials in the Rail Line were removed approximately 9 years ago.

The owner of the Rail Line, Indiana Southwestern Railway Co. (ISW), has already disposed of the track materials in the Rail Line assets approximately 9 years ago.

There is no reasonable alternative to abandonment of the Rail Line inasmuch as ISW disabled itself from providing rail service over the Line approximately 9 years ago.

Railbanking with interim recreational trail use is not a reasonable alternative because negotiations for that use ended without an agreement for such use approximately 7 years ago.

ISW obtained authority from the Surface Transportation Board to abandon the Rail Line in 2010. See Docket No. AB-1065X, *Indiana Southwestern Railway -- Abandonment Exemption -- in Posey and Vanderburgh Counties, Ind.*, Notice of Exemption served November 12, 2010, 75 Fed. Reg. 69, 520. However, ISW failed to file a required notice of consummation of abandonment authority. As a result, the abandonment authority lapsed. Therefore, the Rail Line remains subject to Board jurisdiction notwithstanding that it has been out of service for more than 16 years and renewed service is not possible inasmuch as ISW has removed and sold all track materials.

(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.

The Rail Line has been inactive for more than 16 years. For that reason, the proposed abandonment will have no impact on regional or local transportation systems or patterns. For that reason, too, no passenger or freight rail traffic would be diverted to other transportation systems or modes as a result of the proposed abandonment.

(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.

The proposed abandonment would be consistent with existing land use regulations in the affected territory. Local land use has not suffered in the past 16 years due to the absence of track materials in the Rail Line.

Appendix 3 of this Report is a letter to local agencies and representatives providing notice of the proposed action, and seeking their views regarding the proposed abandonment. In regard to Land Use, that letter was sent to representatives of Posey County, Vanderburgh County, the Town of Poseyville, and the Town of Cynthiana. Any replies will be sent promptly to the Board.

(3)(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

Inasmuch as no rail shipments have moved over the Rail Line for more than 16 years, abandonment of that Rail Line would not have an adverse effect on prime agricultural land.

Appendix 3 was sent seeking the views of the United States Department of Agriculture - Natural Resources Conservation Service.

(3)(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by Sec. 1105.9.

The proposed abandonment would not affect a designated coastal zone.

(3)(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.

The Rail Line is not suitable for alternative public use. Negotiations concluded unsuccessfully for railbanking and interim recreational trail use. There is no need for the land in the Rail Line for additional highway or utility use, which is adequate in the involved territory.

(4) Energy. (i) Describe the effect of the proposed action on transportation of energy resources.

There having been no rail traffic over the Rail Line in more than 16 years, abandonment of the Line would not have an adverse effect on energy resources.

(4)(ii) Describe the effect of the proposed action on recyclable commodities.

For the same reason, abandonment would not have an adverse effect on transportation of recyclable commodities.

(4)(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

For the same reason, abandonment would not have an effect on energy efficiency.

(4)(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 data and methodology used to arrive at the figure given. To minimize the production of repetitive data, the information on overall energy efficiency in Sec. 1105.7(e)(4)(iii) need not be supplied if the more detailed information in Sec. 1105.7(e)(4)(iv) is required.

For the same reason, abandonment would not result in any diversion of rail traffic 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 tons 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 car load 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. For a proposal under 49 U.S.C. 10901 (or 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in subsection (5)(i)(A) will apply.

The above thresholds will not be exceeded.

(5)(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 tons miles annually) or an increase of at least three trains a day on any segment of the 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 per cent of the average daily traffic of 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. 10505), 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.

The above thresholds will not be exceeded.

(5)(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.

Not applicable.

(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;

None of the above thresholds will be exceeded.

(6)(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.

None of the above thresholds will be exceeded.

(7) Safety. (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

Inasmuch as all track materials in the Rail Line were removed 9 years ago, abandonment would not result in an increase in delay at public crossings, nor any other effect on public health or safety.

(7)(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 accident release of hazardous materials.

Not applicable.

(7)(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 types of hazardous materials involved.

There are no such known sites.

(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.

Appendix 3 was sent to the U.S. Fish and Wildlife Service for its views.

Inasmuch as track removal occurred many years ago, abandonment should have no adverse effect on endangered or threatened species or their habitat.

(8)(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

The proposed abandonment will have no effect on National or State Parks.

Appendix 3 was sent to the National Park Service for its views, if any.

(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.

Appendix 3 was sent to the Indiana Department of Environmental Management and the U.S. Environmental Protection Agency. The proposed abandonment will be consistent with applicable water quality standards.

(9)(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 designated wetlands or 100-year flood plains will be affected. Describe the effects.

Appendix 3 was sent to the U.S. Army Corps of Engineers. The proposed abandonment will not require permits under section 404 of the Clean Water Act. No designated wetlands or 100-year flood plans will be affected.

(9)(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.)

No permit under Section 402 of the Clean Water Act will be required for the proposed abandonment.

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

Not applicable.

II. Historic Report

The Landowners hereby submit the following information required by 49 C.F.R. § 1105.8(d):

(1) 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 are part of the proposed action;

USGS topographic maps are attached as Appendix 4. Those maps are being sent to the Indiana Department of Natural Resources - Division of Historic Preservation and Archeology (IDNR) as part of a complete copy of this Historic Report. It is believed that there are 16 bridges on the Rail Line that are at least 50 years old.

(2) 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;

The Rail Line varies in width from 66 to 100 feet, with a few sections that are narrower, and some that are 130 feet wide. The Rail Line runs adjacent to lands of varying uses, ranging from forested open land and rural farmland to developed residential areas.

(3) 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;

Attached as Appendix 5 are good quality photographs of the 16 bridges on the Rail Line that are at least 50 years old. Those photographs are being sent to INDR for review and evaluation. The Landowners do not have any additional information in their possession, such as engineering drawings or the like, that might be of benefit in an analysis of historical structures along the Rail Line.

(4) 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;

The bridges on the Rail Line are believed to be more than 50 years old. The Landowners do not have documents in their possession that show the exact date of construction or any major alteration of the bridges.

(5) A brief narrative story of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action;

The Landowners believe that the Rail Line was constructed in the early 1880s by the Evansville and Peoria Railroad. That company was later known as the Peoria, Decatur & Evansville Railway. The segment of the Rail Line between Poseyville and German Township appears to have been part of a longer through route between Evansville, IN and Newton, IL.

The Rail Line was part of a larger transaction whereby Indiana Hi-Rail Corporation, an affiliate of Garden Spot & Ohio Railroad, acquired a series of rail lines from Illinois Central Railroad Company. *See Indiana Hi-Rail -- Exemption*, 51 F.R. 15075, April 22, 1986. A series of corporations then operated the Rail Line. That culminated in acquisition and operation of the Rail Line by Evansville Terminal Company, Inc. and lastly by its current owner, Indiana Southwestern Railway Co. (ISW). *See Indiana Southwestern Railway Co. -- Acq. & Oper. Exemption -- Evansville Terminal Company, Inc., et al.*, STB Finance Docket No. 33859, decision served March 28, 2000.

Although ISW has not provided transportation over the Rail Line in more than 16 years, and removed and salvaged all track materials in the Line 9 years ago, ISW has refused to voluntarily relinquish its railroad easement that permits operation over the

Line. The Landowners' adverse abandonment application seeks elimination of ISW's federal interest in the Rail Line so that they can seek remedial action under Indiana law to force ISW off the Line.

(6) 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.

There are no such documents in the Landowners' possession.

(7) 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);

In the opinion of the Landowners, the 16 bridges on the Rail Line do not meet the criteria for listing in the National Register of Historic Places. Those bridges do not have unique or otherwise significant design characteristics. None of those bridges is linked to events of historic significance.

In the Landowners' view, there is no likelihood of archaeological resources or previously unknown properties in the right-of-way of the Rail Line. Any such properties would have been uncovered when ISW removed the track materials in the Rail Line 9 years ago.

(8) 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.

ISW has no records to indicate that there could have been subsurface ground disturbances or fill, environmental conditions that might affect the archaeological recovery of resources and the surrounding terrain.

Respectfully submitted,

ROBERT D. BENDER, ET AL.,
LANDOWNERS
c/o Stewart, Wald & McCulley
2100 Central Street, Suite 22
Kansas City, MO 64108

Applicants

/s/ Thomas S. Stewart
/s/ Elizabeth G. McCulley

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2100 Central Street, Suite 22
Kansas City, MO 64108
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/s/ Thomas F. McFarland

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2230 Marston Lane
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Attorneys for Applicants

Dated: May 14, 2021

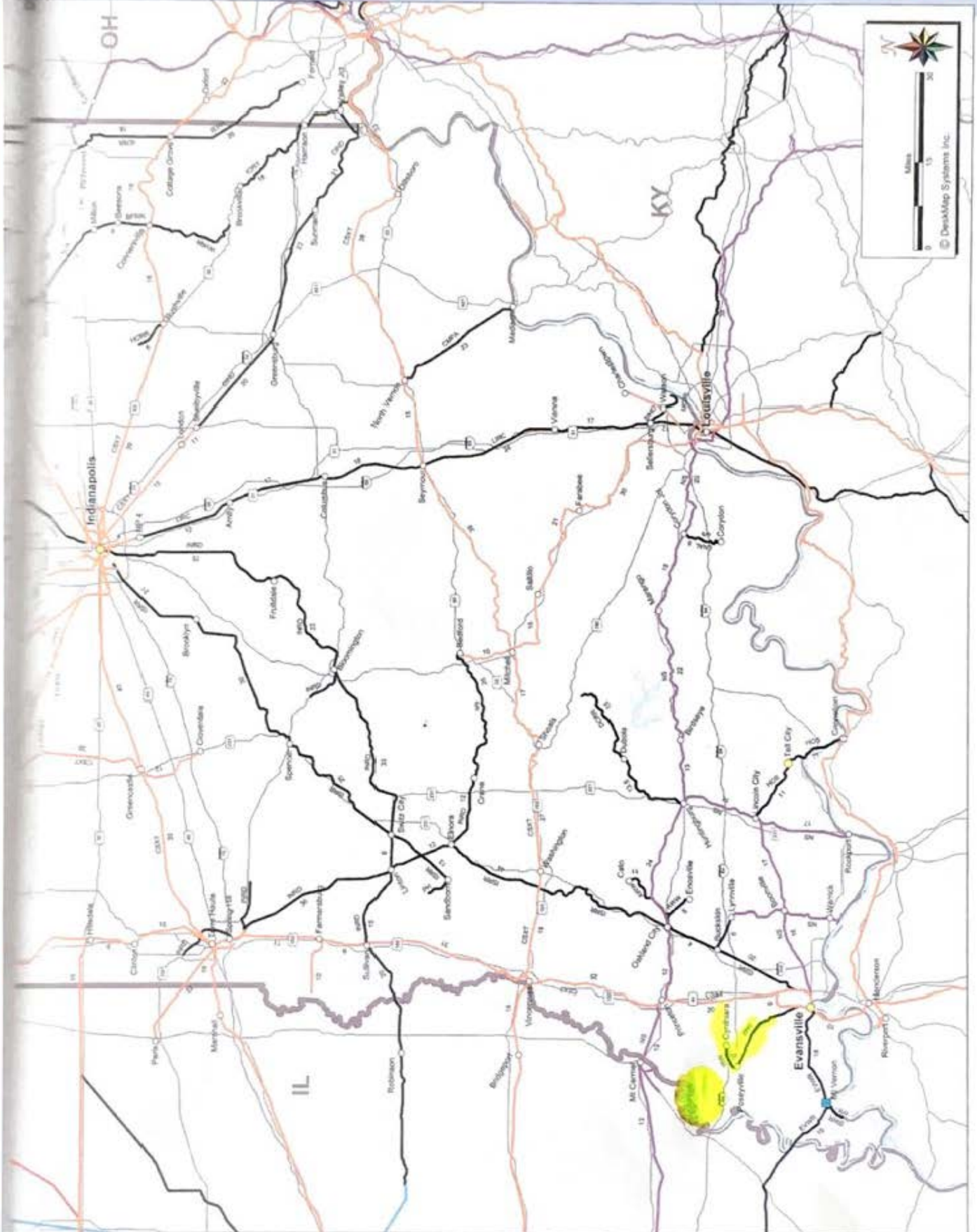
Name	Additional Co Owners	Mailing Address	City	State	Zip
Robert D. Bender William Bender Christopher Bender		9800 Bender Road	Poseyville	IN	47633
Estate of Jean Bender c/o Harold Bender, Executor		17 W. Main	Poseyville	IN	47633
Donald & Jody Blankenberger		3800 Deer Lake Dr.	Evansville	IN	47720
William & Norma Sue Butler		P.O. Box 63	Poseyville	IN	47633
Suzanne Curry		2661 Red Oak Court	Wadesville	IN	47638
F & M Damm Trust c/o Floyd and Mary Ellen Damm, Trustees		4501 Orchard Rd.	Evansville	IN	47720
Gilbert Effinger		9210 Eastlake Dr.	Wadesville	IN	47638
Barry Dean & Stacey Gaslin		11440 Northridge Dr.	Evansville	IN	47720
Alvin J. Gries & Rita A. Gries Revocable Trust of 1995 c/o Alvin & Rita Gries, Trustees		6221 St. Wendel-Cynthiana Rd.	Poseyville	IN	47633
Ivan Bender Farm, Inc. c/o Alan D. Bender, Registered Agent		10650 Hwy 165	Poseyville	IN	47633
Larry & Susan Goebel		4745 W. Boonville New Harmony Rd.	Evansville	IN	47720
Owen Halpeny		3 Ridgeview Way	Asheville	NC	28803
Joseph C. Jenkins		68 S. Sharp Street	Poseyville	IN	47633
William & Mary Jane Kight Revocable Trust of 2008 c/o Mary Jane Kight, Trustee		86 S. Sharp St.	Poseyville	IN	47633
Rita B. Kissel	Adam L. Kissel Shelter Trust c/o Joyce E. Elpers & Ronald A. Kissel, Trustees 8835 Hillview Dr. Evansville, IN 47720	6301 Posey County Line Rd. N.	Poseyville	IN	47633
Eugene & Charlotte Kuehn		8600 W. Baseline Rd.	Evansville	IN	47720

Name	Additional Co Owners	Mailing Address	City	State	Zip
Leo and Mary Jeanette Will Joint Life Estate		5501 Will Road	Poseyville	IN	47633
David & Judith Lipking		4405 Orchard Rd.	Evansville	IN	47720
Lockwood Farms LLC	Lockwood Farms, LLC c/o James Keith Lockwood, Registered Agent 8501 Highway 68, Poseyville, IN, 47633 - 9802	8505 HWY 68	Poseyville	IN	47633
William & Dorothy Luigs		15300 Trapp Rd.	Evansville	IN	47720
Bruce & Kathy Martin		7351 Water Tank Rd.	Poseyville	IN	47633
Michael & Rita Martin		16701 N. Posey County Line Rd.	Poseyville	IN	47633
McDonald Family Farms of Evansville, Inc. c/o David H. McDonald, President		15620 Big Cynthiana Rd	Evansville	IN	47720
Jeffrey Memmer		P.O. Box 6775	Evansville	IN	47719
Sylvester J. Elpers & Patricia A. Elpers Revocable Trust of 2000 c/o Sylvester & Patricia Elpers, Trustees		20105 US Highway 41 N Unit 41	Haubstadt	IN	47639
Poseyville Development LLC c/o Jacob S. Frederick		P.O Box 159 111 E. South Street	Poseyville	IN	47633
Reibel Farms, Inc. c/o Treva C. Reibel, Registered Agent		7400 Hwy. 68	Poseyville	IN	47633
Robert & Gladys Reuter		6600 St. Wendel-Cynthiana Rd.	Poseyville	IN	47633

Name	Additional Co Owners	Mailing Address	City	State	Zip
Kenneth & Rita Rexing	Scott and Kendra Straub 5733 W Boonville New Harmony Rd Evansville, IN 47720-7562 Kristina Hickson f/k/a Kristina Rexing 210 Higginson Place S Gallatin, TN 37066 Daniel J. Rexing 13005 Bartlett Drive Fishers, IN 46037-8673	5820 Wood Gate Cir.	Evansville	IN	47720
Janet Schapker		218 S Sharp St.	Poseyville	IN	47633-8603
Francis & Martha Scheller		8675 Wiggins Road	Poseyville	IN	47633
Stephen & Richard Schenk		10701 Emge Rd.	Poseyville	IN	47633
James E. and Robin A. Schmidt		12100 Saint Wendel Rd.	Evansville	IN	47720
Dorothy Schmitt		7925 Wiggins Rd.	Poseyville	IN	47633
John & Debra Schmitt		75 S. St. Francis Street	Poseyville	IN	47633
Dorothy Schmitt, Trustee of the Family Trust created under the Last Will and Testament of Francis E. Schmitt		7925 Wiggins Rd	Poseyville	IN	47633
Frank Riley		430 Beasley Rd.	Hardin	KY	42048
The Irene G. & Joseph E. Seibert Trust c/o Irene Seibert, Trustee		7700 Highway 68	Poseyville	IN	47633-9429
Glen Seibert	Brandon Seibert 11343 Hwy 65 Evansville, IN 47720	11311 Hwy 65	Evansville	IN	47720
Harold & Edna Mae Straub		11250 Gries Rd.	Poseyville	IN	47633-8757

Name	Additional Co Owners	Mailing Address	City	State	Zip
Scott & Kendra Straub		5733 W. Boonville New Harmony Rd.	Evansville	IN	47720-7562
Tenbarger Oil, Inc. c/o Roger Rutledge, Registered Agent		121 N. Cale Street	Poseyville	IN	47633
Voegel Farm LLC c/o Gary Voegel		9261 Copperline Road East	Mt. Vernon	IN	47620
Watzlavik Properties, LLC c/o Paul Watzlavik, Registered Agent		9083 Stonecreek Cir.	Newburgh	IN	47630-3718
Wayne & Jacklyn Wiggins	John R. Wiggins Box 273, 210 N. Church Street Poseyville, IN 47633	8921 Blaylock Rd.	Poseyville	IN	47633

Indiana



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2230 MARSTON LANE
FLOSSMOOR, ILLINOIS 60422-1336
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May 14, 2021

Natural Resources Conservation Service:

Natural Resources Conservation Service
6013 Lakeside Blvd.
Indianapolis, IN 46278

**Environmental Protection Agency
(regional office):**

U.S. Environmental Protection Agency
Region 5
Ralph H. Metcalfe Federal Bldg.
77 West Jackson Blvd.
Chicago, IL 60604

U.S. Fish & Wildlife Service:

U.S. Fish & Wildlife Service - Midwest Region
620 South Walker Street
Bloomington, IN 47403-2121

Indiana Department of Natural Resources:

Indiana Department of Natural Resources
Indiana Government Center South
402 W. Washington Street, Rm. W264
Indianapolis, IN 46204

National Park Service:

National Park Service
Shawn Bengé, Deputy Director
1849 C Street, N.W.
Washington, DC 20240

County Commissioners:

Posey County Board of Supervisors
126 E. 3rd Street
Mt. Vernon, IN 47620

County Commissioners:

Vanderburgh County Board of Supervisors
Ronald S. London, Exec. Director
1 N.W. Martin Luther King, Jr. Blvd.
Evansville, IN 47708-4962

Town of Poseyville, IN

Town of Poseyville, IN
P.O. Box 194
Poseyville, IN 47633

U.S. Army Corps of Engineers

U.S. Army Corps of Engineers
600 Dr. Martin Luther King Pl.
Louisville, KY 40202

Indiana Environmental Protection Agency:

Indiana Environmental Protection Agency
Attn: Nick Carr, Director, SW Regional Office
114 South 7th Street
P.O. Box 128
Petersburg, IN 47567-0128

Indiana State Clearinghouse:

Indiana State Clearinghouse
411 George Street
Aurora, IN 47001

Indiana Department of Transportation:

Indiana Department of Transportation
100 N. Senate Ave. IGCN 758-ES
Indianapolis, IN 46204

National Park Service (Midwest region):

Bert Frost, Regional Director
National Park Service
601 Riverfront Drive
Omaha, NE 68102-4226

National Geodetic Survey:

National Geodetic Survey
Geodetic System Division
SSMC-3 #9209
NOAA/NGS 2
1315 E-W Highway
Silver Spring, MD 20910-3282

Town of Cynthiana, IN

Town of Cynthiana, IN
10868 Main Street
Cynthiana, IN 47612

Re: STB Docket No. AB-1065 (Sub-No. 3), *Landowners -- Adverse Abandonment -- Indiana Southwestern Railway Co. in Posey and Vanderburgh Counties, Indiana*

Dear Agency or Governmental Representative:

On or about, June 3, 2021, the Landowners listed in Appendix 1 (the Landowners) intend to file an Application for Adverse Abandonment with the Surface Transportation Board (the Board) for abandonment of a rail line that extends (1) between Milepost 227.5 at or near Poseyville and Milepost 240.2 in German Township; and (2) between Milepost 277.5 at or near Cynthiana and Milepost 282.0 at or near Poseyville, a total distance of approximately 17.2 miles in Posey and Vanderburgh Counties, Indiana (the Rail Line).

Pursuant to STB regulations at 49 C.F.R. § 1105.7 and 49 C.F.R. § 1105.8, this letter is to request your assistance in identifying potential environmental and historic effects of the proposed abandonment. The Landowners do not anticipate any adverse environmental or historic impacts; however, if you identify any such adverse impacts, please identify them and describe any action that could be taken to mitigate such adverse impacts. Please provide a written response to this letter so that it can be included in a Draft Environmental and Historic Report that the Landowners will prepare and file with the STB.

COUNTY AND CITY PLANNING AGENCIES. Please state whether the proposed abandonment would be consistent with existing land-use plans. Describe any inconsistencies.

US SOIL CONSERVATION SERVICE. Please state the effect of the proposed abandonment on any prime agricultural land.

US FISH AND WILDLIFE SERVICE. Please state (1) whether the proposed abandonment is likely to adversely affect endangered or threatened species or areas designated as a critical habitat and, if so, please describe such effects; and (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected and, if so, please describe such effects.

STATE WATER QUALITY OFFICIALS. Please state whether the proposed abandonment would be consistent with applicable Federal, State or Local water quality standards. Please describe any inconsistencies.

US ARMY CORPS OF ENGINEERS. Please state (1) whether permits under Section 404 of the Clean Water Act (33 USC 1344) are required for the proposed abandonment, and (2) whether any designated wetlands or 100-year flood plains would be affected by the proposed abandonment. Please describe any such effects.

US AND STATE ENVIRONMENTAL PROTECTION AGENCIES (OR EQUIVALENT AGENCY). Please (1) identify any potential adverse environmental effects of the proposed abandonment on the surrounding area, and (2) identify the location of any known hazardous materials spills on the right-of-way of the Rail Line, and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 USC 1342) are required for the proposed abandonment.

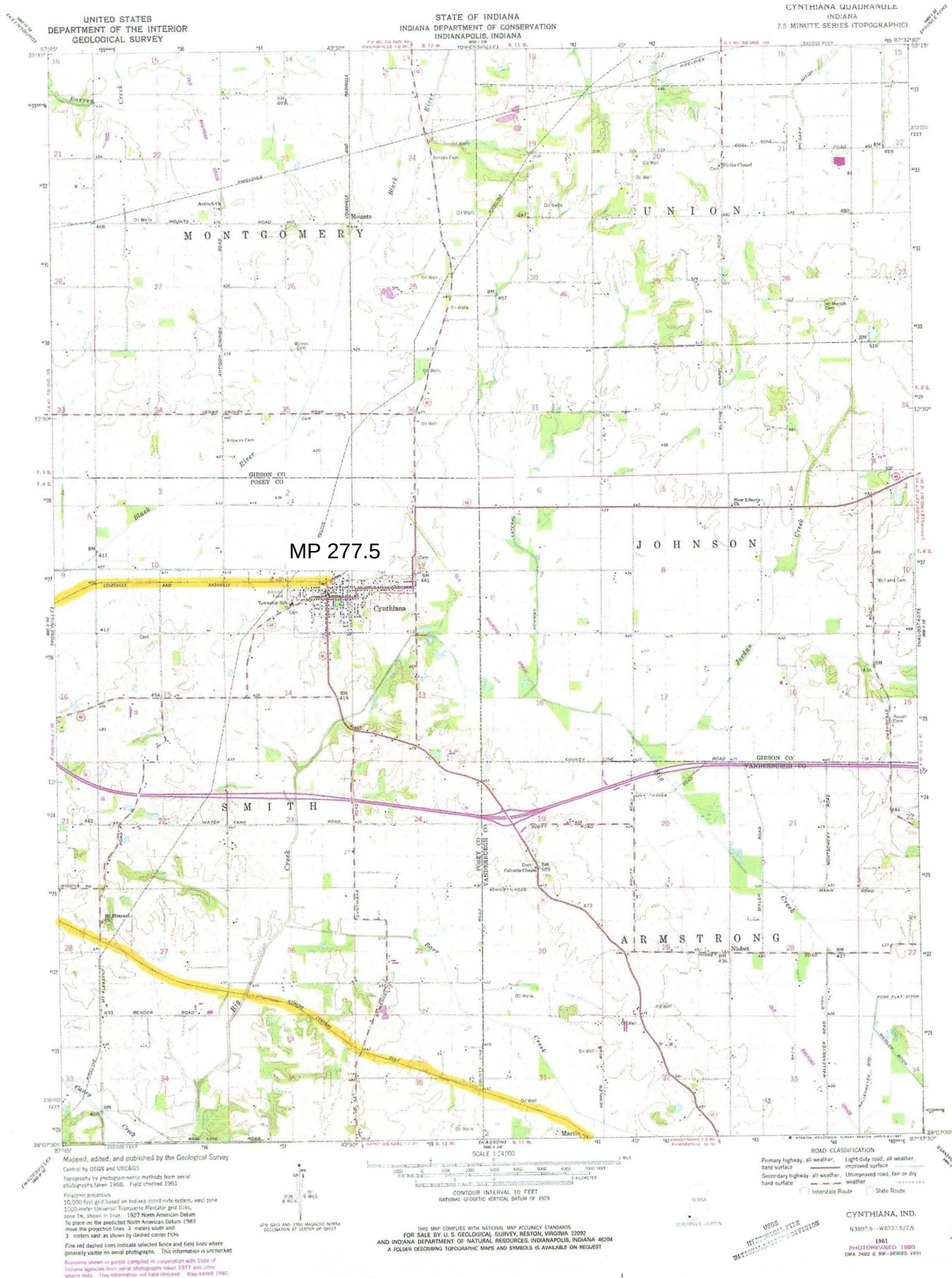
STATE HISTORICAL PRESERVATION OFFICE. Please identify information and/or photographs of bridges and/or other structures located on the Rail Line that are 50 years old or older. Please state whether the proposed abandonment would have an adverse effect on such bridges and /or structures and, if so, please describe efforts that can be taken during removal of the tracks in the Rail Line to mitigate any such adverse effects.

Please send your reply to me as the Landowners' attorney to: Thomas F. McFarland, Thomas F. McFarland, P.C., 2230 Marston Lane, Flossmoor, IL 60422-1336. You may reach me by telephone at (708) 704-7679 if you have any questions or need further information. The Landowners appreciate your assistance in furnishing a reply to this letter.

Very truly yours,

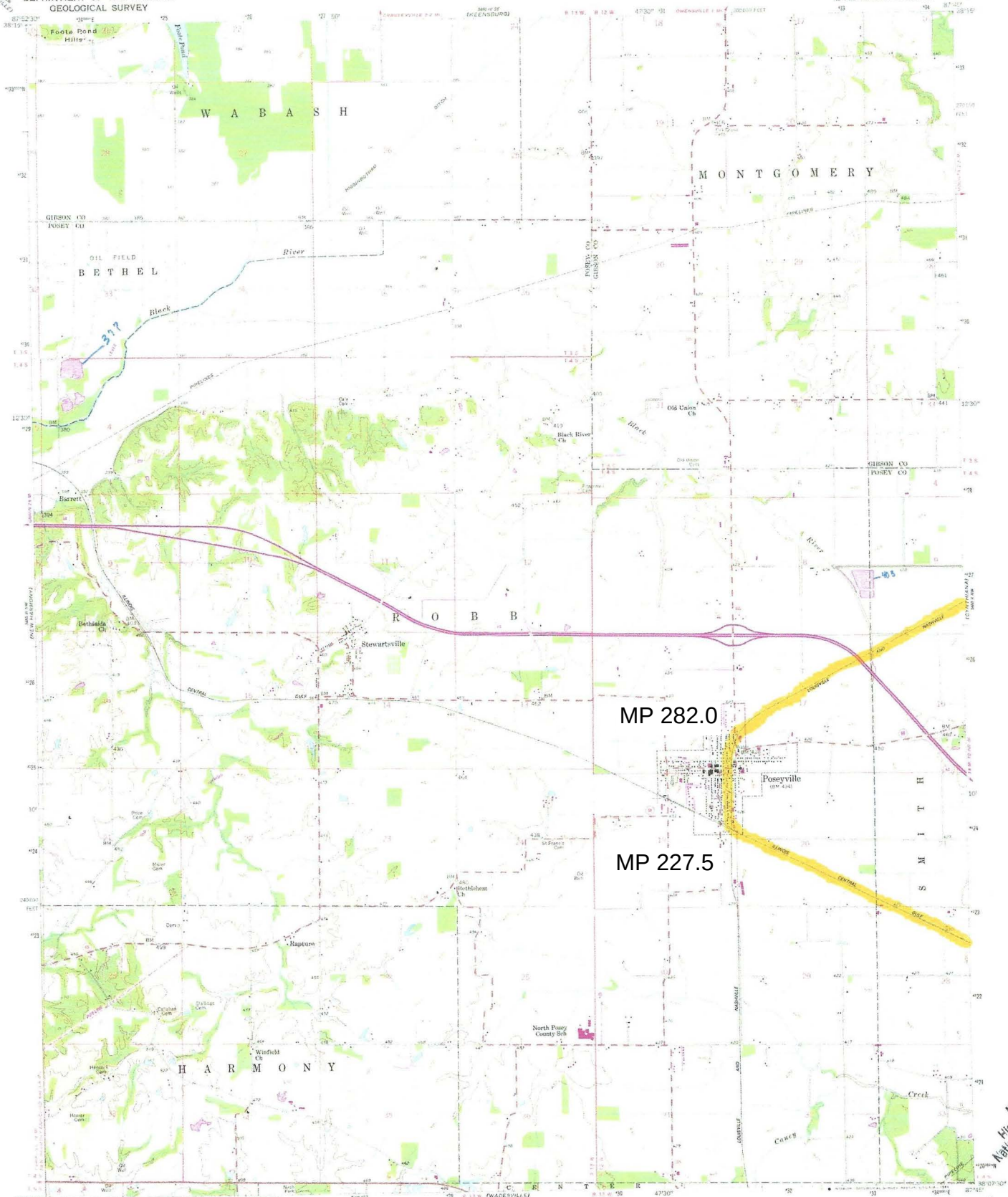
/s/ Thomas F. McFarland

Thomas F. McFarland
Attorney for the Landowners



UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

POSEYVILLE QUADRANGLE
INDIANA
7.5 MINUTE SERIES (TOPOGRAPHIC)
NE 1/4 NEW HARBONY 17 QUADRANGLE



MP 282.0

MP 227.5

USGS
Historical File
Material Being Dwn

MAR 23 1997
2025

Maped, edited, and published by the Geological Survey
Control by USGS and USGS445
Topography from aerial photographs by photogrammetric methods
and by plane-table surveys. Aerial photographs taken 1958
Field check 1959
Polyconic projection
10,000-foot grid based on Indiana coordinate system, west zone
1000-meter Universal Transverse Mercator grid lines,
zone 16, shown in blue. 1977 North American Datum
To place on the projected North American Datum 1983
move the projection lines 3 meters south and
3 meters east as shown by dashed corner ticks
Fine red dashed lines indicate section fence and field lines where
generally visible on aerial photographs. This information is uncheckd

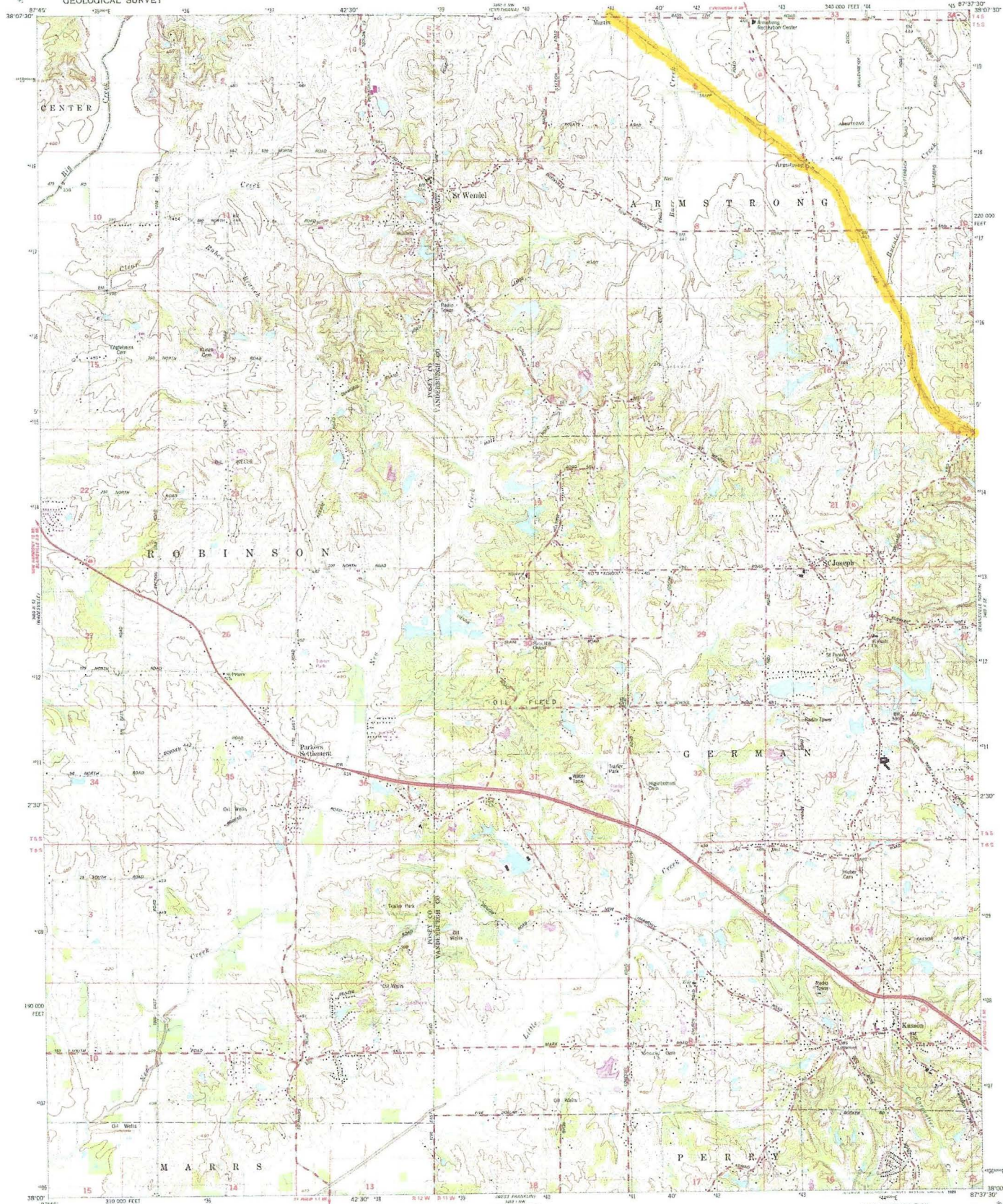
SCALE 1:24,000
CONTour INTERVAL 10 FEET
ROUTE 120 NEW HARBONY 17 QUADRANGLE
NATIONAL GEODESIC DATUM OF 1983
THIS MAP COMPLEIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U. S. GEOLOGICAL SURVEY, RESTON, VIRGINIA 22082
AND INDIANA DEPARTMENT OF NATURAL RESOURCES, INDIANAPOLIS, INDIANA 46204
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

Revisions shown in purple completed in cooperation with State of
Indiana agencies from aerial photographs taken 1977 and other
source data. This information not field checked. Map edition 1983

ROAD CLASSIFICATION
Heavy duty Medium duty Light duty
Unimproved dirt
U.S. Route State Route
Interstate Route
POSEYVILLE, IND.
NE 1/4 NEW HARBONY 17 QUADRANGLE
N 38° 7' 5" W 87° 45' 17" E
1959
PHOTOGRAPHED 1980
DMA 5460 TO RE-SERIES 1981

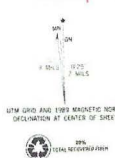
UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

KASSON QUADRANGLE
INDIANA
7.5 MINUTE SERIES (TOPOGRAPHIC)



Mapped, edited, and published by the Geological Survey
in cooperation with Indiana Department of Natural Resources
Control by USGS and IND/DNR

Topography by photogrammetric methods from aerial photographs
taken 1958. Field checked 1961. Revised from aerial photographs
taken 1973. Field checked 1976. Map edited 1981
Polyconic projection. 10,000-foot grid lines based
on Indiana coordinate system, west zone
1000 meters Universal Transverse Mercator grid, zone 16
1927 North American Datum
To place on the predicted North American Datum 1983
move the projection lines 3 meters south and
2 inches east as shown by dashed corner ticks
Fine red dashed lines indicate selected fence and field lines where
generally visible on aerial photographs. This information is uncheckered



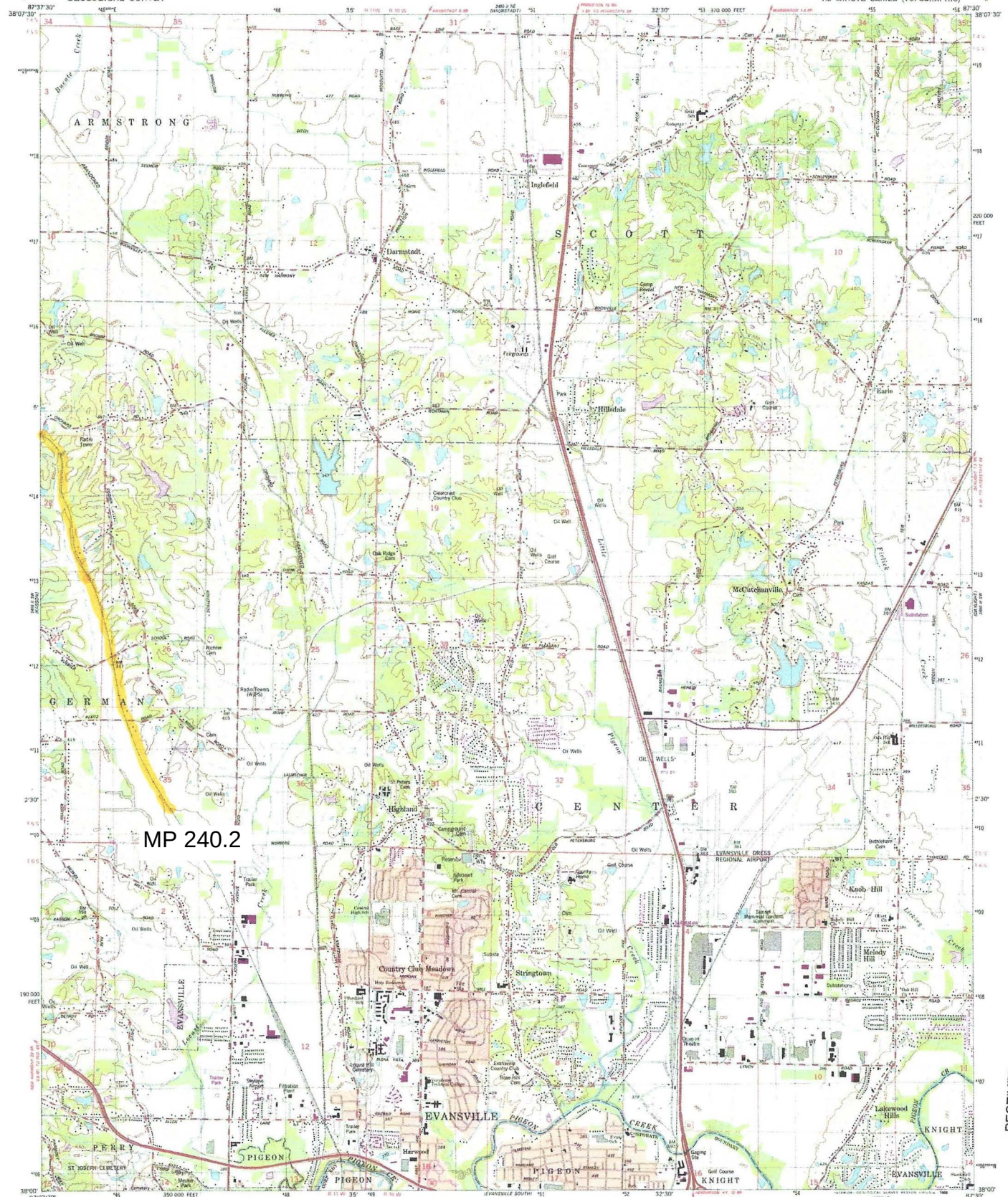
SCALE 1:24,000
NATIONAL GEODETIC VERTICAL DATUM OF 1929
CONTOUR INTERVAL 10 FEET
RECEIVED
SEP 30 2000
USGS/IND
HISTORICAL MAP ARCHIVES

THIS MAP COMPLETES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225 OR RESTON, VIRGINIA 22092,
AND INDIANA DEPARTMENT OF NATURAL RESOURCES, INDIANAPOLIS, INDIANA 46204
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

ROAD CLASSIFICATION
Primary highway
Secondary highway
Light duty road, hard or
improved surface
Unimproved road
Interstate Route
U. S. Route
State Route

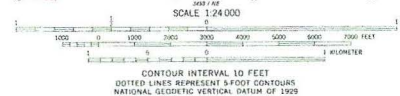
KASSON, IND.
1981
PERIODICALLY CHECKED 1988
DMA 1460 H SW SERIES 7451





MP 240.2

Mapped, edited, and published by the Geological Survey in cooperation with Indiana Department of Natural Resources
Control by USGS and INDONDA
Topography by photogrammetric methods from aerial photographs taken 1958. Field checked 1961. Revised from aerial photographs taken 1973. Field checked 1976. Map edited 1981
Polyconic projection, 10,000-foot grid ticks based on Indiana coordinate system, west zone
1000-meter Universal Transverse Mercator grid, zone 16
1927 North American Datum
To place on the predicted North American Datum 1983 move the projection lines 3 meters south and 2 meters east as shown by dashed corner ticks
Fine red dashed lines indicate selected fence and field lines where generally visible on aerial photographs. This information is uncheckered
Red tint indicates areas in which only landmark buildings are shown



DOTTED LINES REPRESENT 5 FOOT CONTOURS
NATIONAL GEODETIC VERTICAL DATUM OF 1929

ROAD CLASSIFICATION
Primary highway, hard surface
Secondary highway, hard surface
Unimproved road
Interstate Route
U.S. Route
State Route
Light duty road, hard or unimproved surface
Unimproved road
Interstate Route
U.S. Route
State Route

EVANSVILLE NORTH, IND.
38027 AS-1F 03A
1981
PHOTO-REVISED 1988
DMA 3460 R SE-SERIES 1981

RECEIVED
OCT 31 1998
LESS INFO
HISTORICAL MAP ARCHIVES





04/22/2021



04/22/2021



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