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Office of Chief Counsel
January 5, 2026
Part of
Public Record

Justin J. Marks
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Clark Hill
1001 Pennsylvania Avenue N.W.
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Washington, DC 20004
T (202) 772-0909
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January 5, 2026

Chief of Case Administration
Office of Chief Counsel
Surface Transportation Board
395 E Street SW
Washington, DC 20024

Re: Central Railroad Company of Indianapolis – Abandonment Exemption –
In Howard County, Indiana
Surface Transportation Board Docket No. AB 511 (Sub. No. 8X)

Dear Chief of Case Administration:

Enclosed for filing in the above referenced docket is a Notice of Exemption submitted under the Board's class exemption procedures at 49 C.F.R. Part 1152, Subpart F by Central Railroad Company of Indianapolis ("CERA"). The filing fee has been paid via pay.gov.

Also enclosed is a supplement to the Environmental and Historical Report to supplement Exhibit C Environmental Agency Responses and Exhibit F SHPO Correspondence.

Please let me know if you have any questions.

Sincerely,



Justin J. Marks
Counsel to Central Railroad Company of
Indianapolis

Enclosure

FILED
January 5, 2026
SURFACE TRANSPORTATION BOARD

FEE RECEIVED
January 5, 2026
SURFACE TRANSPORTATION BOARD
clarkhill.com

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. AB 511 (Sub-No. 8X)

CENTRAL RAILROAD COMPANY OF INDIANAPOLIS
- ABANDONMENT EXEMPTION –
IN HOWARD COUNTY, INDIANA

NOTICE OF EXEMPTION

Justin J. Marks
Clark Hill PLC
1001 Pennsylvania Ave. N.W.
Suite 1300 South
Washington, DC 20004
(202) 772-0916
jmarks@clarkhill.com

Eric M. Hocky
Clark Hill PLC
Two Commerce Square
2001 Market St.
Suite 2620
Philadelphia, PA 19103
(215) 640-8523
ehocky@clarkhill.com

*Counsel for Central Railroad Company of
Indianapolis*

Dated: January 5, 2026

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. AB 511 (Sub-No. 8X)

CENTRAL RAILROAD COMPANY OF INDIANAPOLIS
- ABANDONMENT EXEMPTION –
IN HOWARD COUNTY, INDIANA

NOTICE OF EXEMPTION

Central Railroad Company of Indianapolis (“CERA”) is filing this Notice of Exemption under the Board’s class exemption procedures at 49 C.F.R. Part 1152, Subpart F, to authorize, CERA’s abandonment of two lines of railroad extending over 1.77-miles of rail line in the City of Kokomo, Howard County, IN (the “Subject Line”). The “Subject Line” includes, the “Tipton Industrial Lead” extending from milepost 54.3 to milepost 55.6; and a segment of the Marion Subdivision extending from milepost 180.87 to milepost 181.26.¹

A map of the Subject Line is attached as Exhibit A. No local common carrier service has taken place on the Subject Line since 2015, and there is no overhead traffic. The Tipton Industrial Lead segment of the Subject Line connects to a segment of rail line that is currently under a trail use agreement and the segment that is part of the Subject Line contains three stations.² The Marion

¹ The initial consultation letter transmitted to the environmental agencies and the SHPO identified the endpoint of this segment of the Subject Line to be 180.82. Upon further review, CERA decided to abandon a smaller segment of track (0.05 miles less) than it had previously stated in the consultation letters.

² *Central Railroad Company of Indianapolis – Abandonment Exemption – Howard County, IN*, STB Docket No. AB-511 (Sub-No. 6X)(Notice of trail use agreement provided to the Board via a letter from the City of Kokomo and Central Railroad Company of Indianapolis on Oct. 15, 2014).

Subdivision segment of the Subject Line is stub ended and includes seven stations. Following the abandonment, the City of Kokomo intends to acquire the Subject Line for trail use.

This Notice of Exemption is being filed pursuant to the requirements of 49 C.F.R. §1152.50 regarding exemptions for out of service rail lines. In accordance with such requirements, CERA hereby provides the following information in support of its request for an exemption:

- 1) The exact name of Applicant is Central Railroad Company of Indianapolis.
- 2) CERA is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, chapter 105.
- 3) Relief sought: CERA seeks to use the class exemption at 49 C.F.R. § 1152.50 for CERA to abandon the “Tipton Industrial Lead” extending from milepost 54.3 to milepost 55.6; and a segment of the Marion Subdivision extending from milepost 180.87 to milepost 181.26 in the City of Kokomo, Howard County, Indiana.
- 4) A map of the Subject Line is attached hereto as Exhibit A.
- 5) The representative of CERA to whom correspondence should be sent is: Justin J. Marks, Clark Hill PLC, 1001 Pennsylvania Ave. N.W., Suite 1300 South, Washington, DC 20004; (202) 772-0916; or Eric M. Hocky, Clark Hill, PLC, Two Commerce Square, 2001 Market St., Suite 2620, Philadelphia, PA 19103; (215) 640-8523.
- 6) The Subject Line traverses through United States Postal Service ZIP Code 46903.
- 7) Applicant understands that the Subject Line may be suitable for trail use or other public purposes and that the City of Kokomo is interested in acquiring the Subject Line for trail use.
- 8) CERA acknowledges that it may not consummate an abandonment until the later of the effective date of its abandonment exemption or the removal of any legal impediments and conditions to abandonment that the Board may prescribe.

- 9) Applicants certify that:
- a) No local traffic has moved over the Subject Line since 2015 and the Subject Line is stubbed at both endpoints, so no overhead traffic exists.
 - b) No formal complaint by a user of rail service on the Subject Line, or a state or local government entity acting on behalf of such user, regarding cessation of service over the Subject Line either is pending with the Board or any U.S. District Court, or has been decided in favor of the complainant within the two year period.
- 10) Although no employees of CERA will be affected by the proposed abandonment of the Subject Line because CERA has not provided service on the Subject Line since 2015, CERA recognizes that its respective abandonment of the Subject Line will be made subject to the standard employee protective conditions as set forth in *Oregon Short Line Railroad Co.- Abandonment -- Goshen*, 360 I.C.C. 91 (1979).
- 11) CERA certifies that it has complied with the notice requirements of 49 C.F.R. §1105.11 by filing an Environmental / Historic Report (“EHR”) with the Board, and that CERA served the agencies identified in 49 C.F.R. §1105.7(b) and the Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology, on November 13, 2025, more than twenty days prior to this filing.
- 12) Applicants certify that they have complied with the legal (newspaper) notice requirements of 49 C.F.R. §1105.12. Notice of the proposed abandonment was published in the *Times of Northwest Indiana* on October 1, 2025. A copy of the form of notice and a certificate of publication is attached as Exhibit B.

13) Applicants certify that they have complied with the notice requirements of 49 C.F.R.

§1152.50(d)(1). A copy of the notice dated November 14, 2025 was sent to the required governmental agencies is attached hereto as Exhibit C.

CONCLUSION

For the reasons set forth above, the Board should find that CERA's proposed abandonment satisfies the exemption requirements of 49 C.F.R. §1152.50, and should issue the appropriate notice.

Respectfully submitted,



Justin J. Marks
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1001 Pennsylvania Ave. N.W.
Suite 1300 South
Washington, DC 20004
(202) 772-0916
jmarks@clarkhill.com

Eric M. Hocky
Clark Hill PLC
Two Commerce Square
2001 Market St.
Suite 2620
Philadelphia, PA 19103
(215) 640-8523
ehocky@clarkhill.com

*Counsel for Central Railroad Company of
Indianapolis*

Dated: January 5, 2026

VERIFICATION

I hereby verify on behalf of the Central Railroad Company of Indianapolis ("CERA"), under penalty of perjury, that the foregoing is true and correct and I hereby certify that CERA has complied with the requirements of 49 C.F.R. §§1152.50(d)(1), 1105.11 and 1105.12. Further, I certify that I am qualified and authorized to file this Verification.

Executed on January 5, 2026.

A handwritten signature in cursive script that reads "Julianne I. Eddy".

Julianne Eddy, President

NOTICE OF EXEMPTION

EXHIBIT A

MAP

NOTICE OF EXEMPTION

EXHIBIT B

NEWSPAPER NOTICE

AFFIDAVIT OF PUBLICATION

Northwest Indiana Times
601 W. 45th Ave.
(219) 933-3333

State of Florida, County of Broward, ss:

I, Ankit Sachdeva, of lawful age, being duly sworn upon oath depose and say that I am an agent of Column Software, PBC, duly appointed and authorized agent of the Publisher of Northwest Indiana Times, a publication that is a "legal newspaper" as that phrase is defined for the city of Munster, for the County of Lake, in the state of Indiana, that this affidavit is Page 1 of 2 with the full text of the sworn-to notice set forth on the pages that follow, and that the attachment hereto contains the correct copy of what was published in said legal newspaper in consecutive issues on the following dates:

Publication Dates:

- Oct 1, 2025

Notice ID: exexZZREoxF3iaNwYAvk

Publisher ID: COL-IN-102969

Notice Name: CERA Abandonment

Publication Fee: \$101.66

Ankit Sachdeva

Agent

VERIFICATION

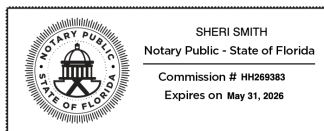
State of Florida
County of Broward

Signed or attested before me on this: 10/01/2025



Notary Public

Notarized remotely online using communication technology via Proof.



Notice of Intent to Abandon and Discontinue Rail Service

Central Railroad Company of Indianapolis (CERA) gives notice that on or after November 3, 2025, CERA intends to file with the Surface Transportation Board (STB), Washington, DC, a notice of exemption under 49 CFR part 1152, subpart F - Exempt Abandonments and Discontinuances permitting the abandonment of a line of railroad over a 1.77-mile line of railroad (the Line) to include, the "Tipton Industrial Lead" extending from milepost 54.3 to milepost 55.6 and a segment of the Marion Subdivision extending from milepost 180.87 to milepost 181.26. The Line traverses through United States Postal Service ZIP Code 46903 in the City of Kokomo, Howard County, Indiana. The CERA abandonment exemption proceeding will be docketed as No. AB 511 (Sub-No. 8X).

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

Appropriate offers of financial assistance to continue rail service can be filed with the STB. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the STB. Any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance where applicable) must be filed directly with the STB's Office of Chief Counsel either via e-filing or addressed to 395 E. Street S.W., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the STB'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: Justin J. Marks, Clark Hill PLC, 1001 Pennsylvania Ave. N.W. Suite 1300 South, Washington, DC 20004; jmarks@clarkhill.com.

NOTICE OF EXEMPTION

EXHIBIT C

10-DAY NOTICE LETTERS

Justin J. Marks
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November 14, 2025

U.S. Department of the Interior -
National Park Service
RTCA Program
1849 C Street, NW
Washington, DC 20240

Office of Chief of Forest Service
U.S. Department of Agriculture
1400 Independence Ave., SW
Washington, DC 20250-1111

United States Department of the Army
Military Surface Deployment and Distribution
Command
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National
Defense)
1 Soldier Way, Building 1900W
Scott AFB, IL 62225

Indiana Department of Transportation
100 N. Senate Ave., IGCN 755
Indianapolis, IN 46204

Re: Central Railroad Company of Indianapolis – Abandonment Exemption –
in Howard County, Indiana
Surface Transportation Board Docket No. AB 511 (Sub. No. 8X)

To Whom it May Concern:

This letter is being sent to you pursuant to the requirements of 49 C.F.R. § 1152.50(d), to advise you that Central Railroad Company of Indianapolis ("CERA") intends to abandon a line of railroad described below. CERA will file a notice with the Surface Transportation Board ("STB") pursuant to the class exemption provisions of 49 CFR § 1152.50 in the above-referenced STB docket.

CERA will invoke the STB's class exemption procedures for it to abandon approximately 1.77 - miles of track to include, 1.38 miles of the Tipton Industrial Lead extending from approximately milepost 54.3 to milepost 55.6; and 0.39 miles of the Marion Subdivision extending from approximately milepost 180.87 to milepost 181.26.

The Line traverses through United States Postal Service ZIP Code 46903. A map of the Line is enclosed.

Based upon information in their possession, CERA does not believe that the Line contains federally-granted rights of way. Any documentation in the possession of

November 14, 2025
Page 2

CERA related to the issue of federally-granted rights of way for the Line will be made available to those requesting it.

Sincerely,

A handwritten signature in blue ink, reading "Justin J. Marks". The signature is written in a cursive style with a large, stylized "J" and "M".

Justin J. Marks
Counsel to Central Railroad Company of
Indianapolis

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing Notice of Exemption was served on the persons shown on the attached list by email or first-class mail, postage prepaid.

Laura Hilden, Director-Environmental Services Indiana Department of Transportation 100 N. Senate Ave. IGCN 758-ES Indianapolis, IN 46204 lhilden@indot.in.gov	National Park Service Midwest Region Interior Regions 3, 4, 5 601 Riverfront Drive Omaha, NE 68102
Indiana Department of Environmental Management 100 N Senate Ave, Indianapolis, IN 46204 info@idem.IN.gov	National Park Service 1849 C Street, NW Washington, DC 20240
Indiana Coastal Resources Management Program Indiana Department of Natural Resources (DNR) 402 W. Washington Street, Room W264 Indianapolis, IN 46204. JeOrsburn@dnr.IN.gov - Jenny Orsburn, Program Manager	Indiana Game Commission 101 W. Washington Street East Tower, Suite 1600 Indianapolis, IN 46204 CSCinquiry@dnr.IN.gov
U.S. Army Corps of Engineers Louisville District CELRL.Door.To.The.Corps@usace.army.mil	Natural Resources Conservation Service USDA Office of the Chief 1400 Independence Ave., SW Room 5105-A Washington, DC 20250
U.S. Environmental Protection Agency Region 5 77 W. Jackson Blvd Chicago, IL 60604 r5hotline@epa.gov	Ms. Damaris Mortenson, State Conservationist Natural Resources Conservation Service USDA 6013 Lakeside Blvd Indianapolis, IN 46278-1989 damarys.mortenson@usda.gov

U.S. Fish and Wildlife Service Midwest Region 5600 American Blvd. West Suite 990 Bloomington, MN, 55437-1458 IndianaFO@fws.gov	Communications and Outreach Branch NOAA, N/NGS12 National Geodetic Survey, SSMC3 #8716 1315 East-West Highway Silver Spring, MD 20910-3282 rrae@noaa.gov
Indiana Department of Natural Resources Division of Historic Preservation and Archaeology 402 W. Washington Street, Room W274 Indianapolis, Indiana 46204 DHPARreview@dnr.IN.gov https://www.in.gov/dnr/historic	Daryl Maple, President Howard County, Indiana Daryl.maple@howardcountyin.gov
Indiana Department of Environmental Management Office of Air Quality 100 North Senate Avenue Indianapolis, IN 46204-2251 jlacker@idem.in.gov	Tyler O. Moore, Mayor City of Kokomo mayor@cityofkokomo.org
Carey Stranahan, P.E. Acting City Engineer City of Kokomo cstranahan@cityofkokomo.org	Gilbert Porter Howard County Historian 2600 W 350 N Kokomo, Indiana 46901 gilbertporter@kokomoearlyhistory.org
Anne Shaw, Executive Director Howard County Historical Society/Howard County Museum 1200 West Sycamore Street Kokomo, Indiana 46901 anne.shaw@howardcountymuseum.org	Tom Tolen, President City of Kokomo Historic Review Board 100 S. Union St Kokomo, Indiana 46901
Mark Dollase, Vice President of Preservation Services & Alex Brooks, Community Preservation Specialist Indiana Landmarks Central Regional Office 1201 Central Avenue Indianapolis, Indiana 46202-3204 central@indianalandmarks.org	U.S. Department of the Interior - National Park Service RTCA Program 1849 C Street, NW Washington, DC 20240

Office of Chief of Forest Service U.S. Department of Agriculture 1400 Independence Ave., SW Washington, DC 20250-1111	United States Department of the Army Military Surface Deployment and Distribution Command Transportation Engineering Agency ATTN: SDTE-SA (Railroads for National Defense) 1 Soldier Way, Building 1900W Scott AFB, IL 62225
Indiana Department of Transportation 100 N. Senate Ave., IGCN 755 Indianapolis, IN 46204	



Justin J. Marks

Dated: January 5, 2026

ENVIRONMENTAL/HISTORIC REPORT

EXHIBIT C

AGENCY RESPONSES

SUPPLEMENT



Farm
Production
and
Conservation

Natural
Resources
Conservation
Service

Indiana State Office
6013 Lakeside Boulevard
Indianapolis, Indiana 46278
317-295-5800

November 17, 2025

Justin J. Marks
Attorney at Law
1001 Pennsylvania Ave. N.W., Suite 1300 South
Washington, DC 20004
jmarks@ClarkHill.com

Dear Justin Marks:

The City of Kokomo proposed project to abandon two lines of railroad in Howard County, Indiana, as referred to in your letter received on November 13, 2025, will not cause a conversion of prime farmland.

If you need additional information, please contact John Allen at 317-295-5859 or john.allen@usda.gov.

Sincerely,

JOHN ALLEN
State Soil Scientist

Marks, Justin J.

From: Indiana FO, FW3 <IndianaFO@fws.gov>
Sent: Tuesday, November 18, 2025 8:29 AM
To: Marks, Justin J.
Subject: Re: [EXTERNAL] Environmental and Historical Report: Railroad Abandonment in Howard County, Indiana

EXTERNAL EMAIL: The sender (IndianaFO@fws.gov) is external to Clark Hill. Exercise caution with links, attachments, or replies if this message is unexpected.

Good morning,

We reviewed the attachments you provided in your email. We provided information on fulfilling responsibilities under the Endangered Species Act in our autoreply to your email dated September 10, 2025. For convenience, we provide a copy of the autoreply below. Please review this information and complete the steps to ensure compliance with the Endangered Species Act.

Indiana Ecological Services Field Office Email Autoreply

Thank you for contacting the U.S. Fish and Wildlife Service's Indiana Ecological Services Field Office.

This is an automated reply. If you haven't already, please complete the steps below before requesting further assistance.

Background Information

In 2022, we launched the Information for Planning and Consultation system (IPaC), a project planning tool to streamline the environmental review process. You must use IPaC and the steps we outline below for (a) requesting project reviews, species lists, and consultations related to the Endangered Species Act; (b) obtaining information about any federally listed species or critical habitat that may occur within the project area; (c) requesting technical assistance comments on a proposed project or action.

Step 1. Enter your project into IPaC.

- <https://ipac.ecosphere.fws.gov/>
- Save your IPaC Project Code. You need to include it in future correspondence with us.

Step 2. Analyze project impacts.

Use the following, as applicable, to analyze project impacts:

- U.S. Fish and Wildlife Service determination keys
 - a. *Indiana Endangered Species Determination Key* – This key streamlines the review of projects for potential effects to Federally listed threatened and endangered species and critical habitat in Indiana. This key does not cover the rusty patched bumble bee, northern long-eared bat, or tricolored bat.
 - b. *FHWA, FRA, FTA Programmatic Consultation for Transportation Projects Affecting Indiana Bats, Northern Long-Eared Bats, or Tricolored Bats* – This key is intended for projects funded or authorized by FHWA, FRA, or FTA, that

require consultation with the Service under Section 7 of the ESA and may affect the Indiana bat, northern long-eared bat, or tricolored bat.

- c. *Northern Long-eared Bat and Tricolored Bat Range-wide Determination Key* – This key is intended to streamline review of projects for potential effects to the Northern Long-eared Bat and the proposed Tricolored Bat.
- d. *Rusty Patched Bumblebee Range-wide Determination Key* – The Rusty Patched Bumble Bee Range Wide Determination Key is designed to assist users with review of proposed projects or actions that are coincident with High Potential Zones for the rusty patched bumble bee (*Bombus affinis*).

- Your agency's internal evaluation process
- Section 7(a)(2) Technical Assistance Guidance: <https://www.fws.gov/office/midwest-region-headquarters/midwest-section-7-technical-assistance>

Step 3: Determine effects and need for review.

- For more information on effects determinations, please see <https://www.fws.gov/service/esa-section-7-consultation>.
- *No effect*. If you determine your project will have “no effect” on listed species or their critical habitat, please retain your evaluation in your records. You do not need to submit this for our review. We do not respond or provide concurrence to a “no effect” determination.
- *May affect, not likely to adversely affect*.
 - a. If you make a “not likely to adversely affect” determination on your own, please submit your project for our review. If we do not respond within 30 days, you can consider our concurrence with your “not likely to adversely affect” determination.
 - b. If you used a determination key to make a “not likely to adversely affect” determination, you do not need to submit anything to us since we automatically receive your output letter through the automated system. If we do not respond within 30 days, you can consider our concurrence with your “not likely to adversely affect” determination.
- *For all other projects* (including those that cannot be completed with a determination key), we will send a response within 30 days of your submission with technical assistance or further recommendations.

Step 4. Submit for review.

Based on your effects determination, you will either (a) retain your analysis in your project files (applies to *no effect* determinations and *not likely to adversely affect* determinations from a determination key) or (b) submit your project to our office at IndianaFO@fws.gov (*may affect* determinations and other projects requiring additional technical assistance). Please include the IPaC Project Code and project name from IPaC in the subject line.

If you need more detailed instructions, please see the following document: [INFO Detailed IPaC Instructions | U.S. Fish & Wildlife Service \(fws.gov\)](#)

Thank you and have a nice day,
Indiana Ecological Services Field Office

U.S. Fish and Wildlife Service
620 South Walker Street
Bloomington, Indiana 47403

From: Marks, Justin J. <jmarks@ClarkHill.com>

Sent: Thursday, November 13, 2025 3:01 PM

To: lhilden@indot.in.gov <lhilden@indot.in.gov>; info@idem.IN.gov <info@idem.IN.gov>; CSCinquiry@dnr.IN.gov <CSCinquiry@dnr.IN.gov>; lrcregweb@usace.army.mil <lrcregweb@usace.army.mil>; r5shotline@epa.gov <r5shotline@epa.gov>; Indiana FO, FW3 <IndianaFO@fws.gov>; damarys.mortenson@usda.gov <damarys.mortenson@usda.gov>; rrae@noaa.gov <rrae@noaa.gov>; Daryl.maple@howardcountyin.gov <Daryl.maple@howardcountyin.gov>; jlacker@idem.in.gov <jlacker@idem.in.gov>; mayor@cityofkokomo.org <mayor@cityofkokomo.org>; JeOrsburn@dnr.IN.gov <jeorsburn@dnr.in.gov>

Subject: [EXTERNAL] Environmental and Historical Report: Railroad Abandonment in Howard County, Indiana

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Good afternoon :

I represent the Central Railroad Company of Indianapolis as related to its proposal to abandon a line of railroad in the City of Kokomo, Indiana.

Please see the attached cover letter and Environmental and Historical Report that are required by Surface Transportation Board regulations for the abandonment of a line of railroad. The enclosed cover letter provides instructions for how you may participate in this proceeding if you should chose to do so.

Thank you,

Justin J. Marks

Attorney at Law

Clark Hill

1001 Pennsylvania Ave. N.W., Suite 1300 South, Washington, DC 20004
+1 202.772.0916 (office) | +1 703.215.6938 (cell) | +1 202.772.0930 (fax)
jmarks@clarkhill.com | www.clarkhill.com

From: Marks, Justin J.

Sent: Wednesday, September 10, 2025 7:18 PM

To: lhilden@indot.in.gov; info@idem.IN.gov; info@nps.gov; CSCinquiry@dnr.IN.gov; lrcregweb@usace.army.mil; r5shotline@epa.gov; IndianaFO@fws.gov; damarys.mortenson@usda.gov; rrae@noaa.gov; Daryl.maple@howardcountyin.gov; jlacker@idem.in.gov; mayor@cityofkokomo.org; SM.FPAC.NRCS.CLIMATE@usda.gov

Subject: Consultation Letter: Railroad Abandonment in Howard County, Indiana

Please see the attached letter related to a proposal to abandon a line of railroad in Howard County, Indiana by the Central Railroad Company of Indianapolis.

Thank you,

Justin J. Marks

Attorney at Law

Clark Hill

1001 Pennsylvania Ave. N.W., Suite 1300 South, Washington, DC 20004
+1 202.772.0916 (office) | +1 703.215.6938 (cell) | +1 202.772.0930 (fax)
jmarks@clarkhill.com | www.clarkhill.com

ENVIRONMENTAL/HISTORIC REPORT

EXHIBIT F

SHPO CORRESPONDENCE

SUPPLEMENT

Marks, Justin J.

From: Anne Shaw <anne.shaw@howardcountymuseum.org>
Sent: Tuesday, November 25, 2025 4:09 PM
To: Marks, Justin J.
Cc: DHPARReview@dnr.IN.gov; Pope, Melody K; CLehman1@dnr.IN.gov; cstranahan@cityofkokomo.org; central@indianalandmarks.org; gilbertporter@kokomoeearlyhistory.org; Thomas Tolen
Subject: Re: DHPA #34671: CERA Abandonment

EXTERNAL EMAIL: The sender (anne.shaw@howardcountymuseum.org) is external to Clark Hill. Exercise caution with links, attachments, or replies if this message is unexpected.

Hi Mr. Marks,

Thank you for your email that included information regarding this project. We appreciate the opportunity to be a consulting party. I have a few questions about the project.

Does CERA intend to remove any tracks within any part of the project area outside of the Lake Erie and Western Depot Historic District? I note that your letter states "...may be salvaged." We understand that it is the intent to leave the tracks within the Depot District.

In your letter dated November 5, 2025 you indicate that the Area of Potential Effects is limited to the physical rail line right of way. The NHPA-defined APE includes physical effects to a specific project area, but it also includes effects that may occur outside of the project area that could have visual or auditory effects. This would include the buildings and sites along the entire railway. Is there an MOA or MOU between STB and the ACHP or NPS that defines the APE differently than the NHPA? If there is no agreement, have the buildings surrounding the tracks within an appropriate APE been assessed for historic significance/potential eligibility for the National Register of Historic Places (NRHP)? In your Historic Report, number three states that there are no structures 50 years or older that exist on the subject line.

However, we have concerns about the potential effects related to an historic building located on the east side of the tracks between Madison and Havens Streets at 904 N Buckeye Street. According to the former Howard County historian Jon Russell, this structure could possibly be the oldest standing building in the city, the original portion having been constructed in the 1850s. Its relationship to the rail line is extremely significant since it is thought to have been a railroad worker's house. This building (as far as I know) has not previously been assessed within the Indiana Historic Sites and Structures Inventory and is not listed in SHAARD. It is our opinion that this building should be assessed for National Register eligibility and potential effects.

I look forward to hearing from you and appreciate your time.

Thank you,

Anne Shaw

Responding on behalf of the Howard County Historical Society and as Vice President of the Kokomo Review Board

On Thu, Nov 13, 2025 at 3:17 PM Marks, Justin J. <jmarks@clarkhill.com> wrote:

Good afternoon:

Please see the attached cover letter and Environmental and Historical Report that are required by Surface Transportation Board regulations for the abandonment of a line of railroad. The enclosed cover letter provides instructions for how you may participate in this proceeding if you should choose to do so.

As noted in the attached letter, the enclosed report informs the Board that CERA is currently consulting with your agency regarding this abandonment and we have included – within the attached report – copies of our correspondence.

Thank you,

Justin J. Marks

Attorney at Law

Clark Hill

1001 Pennsylvania Ave. N.W., Suite 1300 South, Washington, DC 20004

+1 202.772.0916 (office) | +1 703.215.6938 (cell) | +1 202.772.0930 (fax)

jmarks@clarkhill.com | www.clarkhill.com

From: Marks, Justin J.

Sent: Wednesday, November 5, 2025 1:13 PM

To: DHPAReview@dnr.IN.gov

Cc: Pope, Melody K <MPope@dnr.IN.gov>; CLEhman1@dnr.IN.gov; cstranahan@cityofkokomo.org; Adam.Assenza@stb.gov; central@indianalandmarks.org; gilbertporter@kokomoeearlyhistory.org; anne.shaw <anne.shaw@howardcountymuseum.org>

Subject: DHPA #34671: CERA Abandonment

Good afternoon:

Please see the attached letter from the Central Railroad Company of Indianapolis responding to your letter of September 16, 2025.

Thank you,

Justin J. Marks

Attorney at Law

Clark Hill

1001 Pennsylvania Ave. N.W., Suite 1300 South, Washington, DC 20004

+1 202.772.0916 (office) | +1 703.215.6938 (cell) | +1 202.772.0930 (fax)

jmarks@clarkhill.com | www.clarkhill.com

From: Lehman, Caitlin M <CLehman1@dnr.IN.gov>

Sent: Tuesday, September 16, 2025 3:10 PM

To: Marks, Justin J. <jmarks@ClarkHill.com>; Adam.Assenza@stb.gov; central@indianalandmarks.org; gilbertporter@kokomoeearlyhistory.org; anne.shaw <anne.shaw@howardcountymuseum.org>

Cc: Pope, Melody K <MPope@dnr.IN.gov>

Subject: DHPA Response Letter: CERA abandonment of 1.38 miles on the Tipton Industrial Lead (milepost 54.3 to 55.6) and 0.44 miles of the Marion Subdivision (milepost 180.82 to 181.26) (Docket No. AB 511 (Sub. No. 8X); DHPA #34671)

EXTERNAL EMAIL: The sender (CLehman1@dnr.IN.gov) is external to Clark Hill. Exercise caution with links, attachments, or replies if this message is unexpected.

Please see attached. A hard copy of this letter will not be sent unless requested.

Please do not reply to the e-mail unless you do not receive attachments. If you have questions or need additional information, please contact the Division of Historic Preservation & Archaeology at 317-232-1646. Thank you.

Indiana Department of Natural Resources

Division of Historic Preservation and Archaeology

402 West Washington Street, Room W274

Indianapolis, Indiana 46204

Caitlin Lehman

Historic Structures Reviewer

DNR Division of Historic Preservation & Archaeology

402 W. Washington St., Rm. W274

Indianapolis, IN 46204

Phone: 317-232-0461

Email: clehman1@dnr.in.gov

<https://www.in.gov/dnr/historic-preservation/>

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--

Anne Shaw

Executive Director

Howard County Historical Society

1200 W. Sycamore St.

Kokomo, IN 46901

O: 765-452-4314

C: 859-797-0097

Marks, Justin J.

From: Alex Brooks <abrooks@indianalandmarks.org>
Sent: Monday, December 8, 2025 4:53 PM
To: Anne Shaw; Marks, Justin J.
Cc: DHPARReview@dnr.IN.gov; Pope, Melody K; CLehman1@dnr.IN.gov; cstranahan@cityofkokomo.org; Central; gilbertporter@kokomoeearlyhistory.org; Thomas Tolen
Subject: Re: DHPA #34671: CERA Abandonment

EXTERNAL EMAIL: The sender (abrooks@indianalandmarks.org) is external to Clark Hill. Exercise caution with links, attachments, or replies if this message is unexpected.

Mr. Marks,

We at Indiana Landmarks also welcome the opportunity to be a consulting party and would like to continue to be so. Given Kokomo's extensive rail history, we regret the removal of any tracks and would at the very least hope for their salvage if not preservation. We echo Ms. Shaw's questions regarding the APE of this project and feel that it should likely be considered larger given the large visibility footprint of the rail line. In addition, we are also concerned about the status of the building at 904 N Buckeye St. Given the efforts that have been made to refurbish it, we hope it will continue to stand. We concur that it should be accessed for National Register eligibility. The building's Beacon entry (link below) indicates it is owned by the City, and we hope they will continue to preserve this important piece of their history.

<https://beacon.schneidercorp.com/Application.aspx?AppID=94&LayerID=952&PageTypeID=4&PageID=600&Q=2109380190&KeyValue=34-03-25-476-005.000-002>

Best,

.....
Alex Brooks
Community Preservation Specialist

.....
Indiana Landmarks
1201 Central Avenue
Indianapolis, IN 46202
Ph. 317-822-7908, 800-450-4534
indianalandmarks.org

Indiana Landmarks revitalizes communities, strengthens connections to our diverse heritage, and saves meaningful places.

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From: Anne Shaw <anne.shaw@howardcountymuseum.org>
Sent: Tuesday, November 25, 2025 4:09 PM
To: Marks, Justin J. <jmarks@clarkhill.com>
Cc: DHPARReview@dnr.IN.gov <dhpapreview@dnr.in.gov>; Pope, Melody K <MPope@dnr.in.gov>; CLehman1@dnr.IN.gov <CLehman1@dnr.in.gov>; cstranahan@cityofkokomo.org <cstranahan@cityofkokomo.org>; Central <Central@indianalandmarks.org>; gilbertporter@kokomoeearlyhistory.org <gilbertporter@kokomoeearlyhistory.org>; Thomas Tolen <ttolen@cityofkokomo.org>
Subject: Re: DHPA #34671: CERA Abandonment

Hi Mr. Marks,

Thank you for your email that included information regarding this project. We appreciate the opportunity to be a consulting party. I have a few questions about the project.

Does CERA intend to remove any tracks within any part of the project area outside of the Lake Erie and Western Depot Historic District? I note that your letter states "...may be salvaged." We understand that it is the intent to leave the tracks within the Depot District.

In your letter dated November 5, 2025 you indicate that the Area of Potential Effects is limited to the physical rail line right of way. The NHPA-defined APE includes physical effects to a specific project area, but it also includes effects that may occur outside of the project area that could have visual or auditory effects. This would include the buildings and sites along the entire railway. Is there an MOA or MOU between STB and the ACHP or NPS that defines the APE differently than the NHPA?

If there is no agreement, have the buildings surrounding the tracks within an appropriate APE been assessed for historic significance/potential eligibility for the National Register of Historic Places (NRHP)? In your Historic Report, number three states that there are no structures 50 years or older that exist on the subject line.

However, we have concerns about the potential effects related to an historic building located on the east side of the tracks between Madison and Havens Streets at 904 N Buckeye Street. According to the former Howard County historian Jon Russell, this structure could possibly be the oldest standing building in the city, the original portion having been constructed in the 1850s. Its relationship to the rail line is extremely significant since it is thought to have been a railroad worker's house. This building (as far as I know) has not previously been assessed within the Indiana Historic Sites and Structures Inventory and is not listed in SHAARD. It is our opinion that this building should be assessed for National Register eligibility and potential effects.

I look forward to hearing from you and appreciate your time.

Thank you,

Anne Shaw

Responding on behalf of the Howard County Historical Society and as Vice President of the Kokomo Review Board

On Thu, Nov 13, 2025 at 3:17 PM Marks, Justin J. <jmarks@clarkhill.com> wrote:

Good afternoon:

Please see the attached cover letter and Environmental and Historical Report that are required by Surface Transportation Board regulations for the abandonment of a line of railroad. The enclosed cover letter provides instructions for how you may participate in this proceeding if you should choose to do so.

As noted in the attached letter, the enclosed report informs the Board that CERA is currently consulting with your agency regarding this abandonment and we have included – within the attached report – copies of our correspondence.

Thank you,

Justin J. Marks

Attorney at Law

Clark Hill

1001 Pennsylvania Ave. N.W., Suite 1300 South, Washington, DC 20004

+1 202.772.0916 (office) | +1 703.215.6938 (cell) | +1 202.772.0930 (fax)

jmarks@clarkhill.com | www.clarkhill.com

From: Marks, Justin J.

Sent: Wednesday, November 5, 2025 1:13 PM

To: DHPAReview@dnr.IN.gov

Cc: Pope, Melody K <MPope@dnr.IN.gov>; CLehman1@dnr.IN.gov; cstranahan@cityofkokomo.org; Adam.Assenza@stb.gov; central@indianalandmarks.org; gilbertporter@kokomoeearlyhistory.org; anne.shaw <anne.shaw@howardcountymuseum.org>

Subject: DHPA #34671: CERA Abandonment

Good afternoon:

Please see the attached letter from the Central Railroad Company of Indianapolis responding to your letter of September 16, 2025.

Thank you,

Justin J. Marks

Attorney at Law

Clark Hill

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jmarks@clarkhill.com | www.clarkhill.com

From: Lehman, Caitlin M <CLehman1@dnr.IN.gov>

Sent: Tuesday, September 16, 2025 3:10 PM

To: Marks, Justin J. <jmarks@ClarkHill.com>; Adam.Assenza@stb.gov; central@indianalandmarks.org; gilbertporter@kokomoeearlyhistory.org; anne.shaw <anne.shaw@howardcountymuseum.org>

Cc: Pope, Melody K <MPope@dnr.IN.gov>

Subject: DHPA Response Letter: CERA abandonment of 1.38 miles on the Tipton Industrial Lead (milepost 54.3 to 55.6) and 0.44 miles of the Marion Subdivision (milepost 180.82 to 181.26) (Docket No. AB 511 (Sub. No. 8X); DHPA #34671)

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Indiana Department of Natural Resources
Division of Historic Preservation and Archaeology
402 West Washington Street, Room W274
Indianapolis, Indiana 46204

Caitlin Lehman
Historic Structures Reviewer

DNR Division of Historic Preservation & Archaeology
402 W. Washington St., Rm. W274
Indianapolis, IN 46204
Phone: 317-232-0461
Email: clehman1@dnr.in.gov
<https://www.in.gov/dnr/historic-preservation/>

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--

Anne Shaw

Executive Director

Howard County Historical Society

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C: 859-797-0097

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 25, 2025

Justin J. Marks
Attorney at Law
Clark Hill PLC
1001 Pennsylvania Ave. N.W., Suite 1300 South
Washington, DC 20004

Federal Agency: Surface Transportation Board

Re: Additional information regarding a notice of exemption for Central Railroad Company of Indianapolis' abandonment of 1.38 miles on CERA's Tipton Industrial Lead, approximately milepost 54.3 to milepost 55.6; and 0.44 miles of the Marion Subdivision extending from approximately milepost 180.87 to milepost 181.26 (DHPA #34671)

Dear Mr. Marks:

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 and received on November 5, 2025, with additional information dated and received on November 13, 2025, for the above indicated project in Kokomo, Howard County, Indiana.

Thank you for the additional information requested in our letter dated September 15, 2025. We also note that the endpoint of the Marion Subdivision segment has been revised since our initial correspondence.

As previously stated, in regard to buildings and structures, the Lake Erie and Western Depot Historic District, NR-1960, was listed in the National Register of Historic Places on September 17, 2008. According to this district's nomination, three sets of railroad tracks (including two sidings & one main through track) east of the depot between West Jefferson Street and West Jackson Street contribute to the significance of this district.

A map showing the boundaries of the listed district has been enclosed with this letter for your reference. It can be also found in the Indiana State Architectural and Archaeological Research Database (SHAARD) at <https://www.in.gov/dnr/historic-preservation/county-survey-program/shaard-database/> and in the National Park Service's database of listed properties at <https://www.nps.gov/subjects/nationalregister/database-research.htm>.

As you mention in your November 5, 2025, letter, two of these above mentioned sets of tracks are within the Central Railroad Company of Indianapolis' ("CERA") right-of-way ("ROW") proposed for abandonment. You also note that "The City is negotiating with CERA to acquire the right-of-way and as part of that negotiation is asking CERA to leave the tracks in place that extend from West Jefferson Street to West Jackson Street. All other track that constitutes the line to be abandoned may be salvaged."

If the two sets of tracks within CERA's 49-foot-wide ROW between West Jefferson Street and West Jackson Street (within the Lake Erie and Western Depot Historic District) will be left in place following the abandonment, then based on the additional information provided to our office, we do not believe the characteristics that qualify the above identified historic property for inclusion in the National Register will be diminished as a result of this project. However, if this section of tracks will be salvaged as part of the abandonment, then we believe further consultation would be needed.

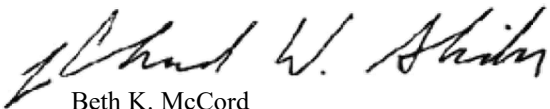
Regarding archaeological resources, any sections of the subject line that are older than 50 years and will be removed by the undertaking would need to be recorded as an archaeological site. As previously stated, railroads or railways older than 50 years are considered archaeological features and would need to be recorded as an archaeological site and documented as described in Appendix A-Recording Linear resources in the DNR-DHPA *Guidebook for Indiana Historic Sites and Structure Inventory – Archaeological Sites* (2022). In use, modern (less than 50 years old) linear elements would not need to be recorded as an archaeological site unless they exhibit unique characteristics. Archaeological sites will be documented, including assigning an archaeological site number, and evaluated for National Register of Historic Places and/or Indiana Register of Historic Sites and Structures eligibility. Contiguous portions of an archaeological resource, within the same county, will be assigned the same archaeological site number.

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. Refer to the following comments for guidance:

- 1) If the Surface Transportation Board believes that a finding of “no adverse effect” accurately reflects its assessment, then it shall provide documentation of its finding as set forth in 36 C.F.R. § 800.11(e) to the Indiana SHPO, notify all consulting parties, and make the documentation available for public inspection (36 C.F.R. §§ 800.5[b-c] and 800.2[d][2]).
- 2) If, on the other hand, the Surface Transportation Board believes that a finding of “adverse effect” accurately reflects its assessment, then it shall provide notification to the Advisory Council on Historic Preservation by providing the documentation in 36 C.F.R. § 800.11(e) as stated in 36 C.F.R. § 800.6(a)(1). Additionally, the Surface Transportation Board may proceed to provide documentation of its finding as set forth in 36 C.F.R. § 800.11(e) to the Indiana SHPO, all consulting parties, and make the documentation available for public inspection and proceed to seek ways to avoid, reduce and mitigate effects as stated in 36 C.F.R. § 800.6 (a)(2-5).

The 36 C.F.R. Part 800 regulations governing the Section 106 review process may be found at www.achp.gov. If you have questions about archaeological issues please contact Melody Pope at (317) 234-5254 or mpope@dnr.IN.gov. If you have questions about buildings or structures please contact Caitlin Lehman at (317) 232-0461 or clehman1@dnr.IN.gov. Additionally, in all future correspondence regarding the above indicated project, please refer to DHPA #34671.

Very truly yours,



Beth K. McCord
Deputy State Historic Preservation Officer

BKM:CML:MKP:cml

Enclosure (1)

cc: Tom Tolen, President, City of Kokomo Historic Review Board
emc: Justin Marks, Clark Hill PLC
Adam Assenza, Surface Transportation Board, Office of Environmental Analysis
Mark Dollase, Indiana Landmarks
Gilbert Porter, Howard County Historian
Anne Shaw, Howard County Historical Society / Howard County Museum

LAKE ERIE & WESTERN DEPOT HISTORIC DISTRICT

4/08
FINAL

