244023
244025

ENTERED
Office of Proceedings
August 1, 2017
Part of
Public Record

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE, NW
SUITE 300
WASHINGTON, DC 20037

TELEPHONE: (202) 663-7820
FACSIMILE: (202) 663-7849

CRYSTAL M. ZORBAUGH

(202) 663-7831 (Direct Dial)
E-Mail: czorbaugh@bakerandmiller.com

August 1, 2017

BY HAND DELIVERY
Cynthia T. Brown, Chief
Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington DC 20423-0001

Re: Norfolk Southern Railway Company – Abandonment Exemption – In Hartford City, Indiana, AB-290 (Sub-No. 392X); Central Railroad Company of Indianapolis – Discontinuance of Lease And Operation Authority – In Hartford City, Indiana, AB-511 (Sub-No. 7X)

Dear Ms. Brown:

Enclosed are an original and eleven copies of a jointly-filed Verified Notice of Exemption ("Notice") for Norfolk Southern Railway Company ("NSR") to abandon rail service and Central Railroad Company of Indianapolis ("CERA") to discontinue lease and operation authority over approximately 0.2 mile of rail line extending from near or about milepost RK 138.6 to near or about milepost RK 138.8 in Hartford City, Indiana (referred to herein as the "Line"). The Line traverses United States Postal Zip Code territory 47348. There are no customers served on the Line, which has been out of service for more than two years.

Please acknowledge receipt and filing of this Notice by date-stamping the enclosed eleventh copy and returning it to the courier for return to me. This submission also includes an electronic copy of the entire filing and a separate electronic file of a draft Federal Register notice. Finally, pursuant to 49 C.F.R. § 1002.2(f)(21)(ii), I have enclosed a filing fee check in the amount of $8,000.00. If there are any questions about this matter, please contact me directly, either by telephone: 202-663-7831 or by e-mail: czorbaugh@bakerandmiller.com. If I am unavailable, you may contact William A. Mullins, who can be reached at (202) 663-7823 or by e-mail at wmullins@bakerandmiller.com.

FILED
August 1, 2017
SURFACE
TRANSPORTATION BOARD

Sincerely,

Crystal M Zorbaugh

Crystal M. Zorbaugh
Attorney for Norfolk Southern Railway Company and Central Railroad Company of Indianapolis

FEE RECEIVED
August 1, 2017
SURFACE
TRANSPORTATION BOARD

Enclosures
cc: Greg E. Summy, Laura Hoag, LaWada Poarch

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC

AB-290 (Sub-No. 392X)

NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN HARTFORD CITY, INDIANA

AB-511 (Sub-No. 7X)

CENTRAL RAILROAD COMPANY OF INDIANAPOLIS
– DISCONTINUANCE OF LEASE AND OPERATION AUTHORITY –
IN HARTFORD CITY, INDIANA

JOINTLY-FILED VERIFIED NOTICE OF EXEMPTION

Greg E. Summy
General Solicitor
NORFOLK SOUTHERN CORPORATION
Three Commercial Place
Norfolk, Virginia 23510
Tel: (757) 533-4890
Fax: (757) 533-4872

William A. Mullins
Crystal M. Zorbaugh
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW
Suite 300
Washington, DC 20037
Tel: (202) 663-7820
Fax: (202) 663-7849

Attorneys for Norfolk Southern Railway Company and Central Railroad Company of Indianapolis

August 1, 2017

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC

AB-290 (Sub-No. 392X)

NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN HARTFORD CITY, INDIANA

AB-511 (Sub-No. 7X)

CENTRAL RAILROAD COMPANY OF INDIANAPOLIS
– DISCONTINUANCE OF LEASE AND OPERATION AUTHORITY –
IN HARTFORD CITY, INDIANA

JOINTLY-FILED VERIFIED NOTICE OF EXEMPTION

Norfolk Southern Railway Company ("NSR") and Central Railroad Company of Indianapolis ("CERA") (referred to collectively herein as ("Applicants") hereby submit a jointly-filed verified notice of exemption ("Notice") pursuant to 49 C.F.R. part 1152, subpart F (Exempt Abandonments and Discontinuances of Service and Trackage Rights) for NSR to abandon rail service and CERA to discontinue lease and operation authority[1] over approximately 0.2 mile of rail line extending from near or about milepost RK 138.6 to near or about milepost RK 138.8 in Hartford City, Indiana (referred to herein as the "Line"). The Line traverses United States Postal Zip Code territory 47348. There are no customers served on the Line, which has been out of service for over two years.

---

[1] NSR leased the Line to CERA pursuant to a lease agreement entered into in September 2009. See Central Railroad Company of Indianapolis - Lease and Operation Exemption - Norfolk Southern Railway Company, FD 35300 (STB Served Oct. 21, 2009).

In accordance with the requirements of 49 C.F.R. §§ 1152.50(b) and (d), NSR provides the following information in support of the Notice.

Certification: 49 C.F.R. § 1152.50(b)

Pursuant to the exemption provisions at 49 C.F.R. part 1152, subpart F, NSR certifies that the Line satisfies the criteria for abandonment and discontinuance. See Certification of G.R. Comstock, General Manager Northern Region for Norfolk Southern Railway Company (Exhibit A). During the past two years, neither NSR nor CERA have provided local or overhead common carrier service over the Line, nor has either carrier received any requests for common carrier service over it. Furthermore, no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line is pending with the Surface Transportation Board ("Board") or with any U.S. District Court nor has such a complaint been decided in favor of complainant during the past two years.

Proposed Consummation Date: 49 C.F.R. § 1152.50(d)(2)

The proposed abandonment will be consummated on or after September 20, 2017 (50 days after filing the Notice).

Additional Information Required: 49 C.F.R. §§ 1152.22(a)(1)-(4), (7)-(8) and (e)(4)

Exact name of applicants (49 C.F.R. § 1152.22(a)(1)):

Norfolk Southern Railway Company and Central Railroad Company of Indianapolis

Whether applicants are a common carrier by railroad (49 C.F.R. § 1152.22(a)(2)):

Applicants are common carriers by railroad subject to 49 U.S.C. Subtitle IV, chapter 105.

Relief sought (49 C.F.R. § 1152.22(a)(3)):

NSR has invoked the Board's two-year-out-of-service class exemption procedures to abandon rail service and CERA has invoked the Board's two-year-out-of-service class exemption procedures to discontinue lease and operation authority over an approximately 0.2-mile rail line owned by NSR and located in Hartford City, Indiana, extending from near or about milepost RK 138.6 to near or about milepost RK 138.8.

Map (49 C.F.R. § 1152.22(a)(4)):

A detailed map showing the location of the Line is attached hereto as Exhibit B.

Applicants' representative (49 C.F.R. § 1152.22(a)(7)):

NSR's and CERA's representatives to whom correspondence regarding this proceeding should be sent is as follows:

William A. Mullins
Crystal M. Zorbaugh
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW, Suite 300
Washington, DC 20037
Tel: (202) 663-7820
Fax: (202) 663-7849

USPS ZIP codes (49 C.F.R. § 1152.22(a)(8)):

The Line is located in United States Postal Zip Code territory 47348.

Suitability of the Line for Other Public Purposes (49 C.F.R. § 1152.22(e)(4)):

NSR has fee simple interest title to parts of the right-of-way underlying the Line proposed for abandonment. Thus, NSR may have a corridor available for redeployment for alternative public use(s). The Line does not contain federally-granted right-of-way. As appropriate, NSR is willing promptly to make available any information in its possession to anyone so requesting it.

Labor Protection

Because the Line has been inactive for over two years, no railroad employees will be adversely affected by exercise of abandonment authority. Nevertheless, the interests of NSR employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions set forth in Oregon Short Line R. Co – Abandonment – Goshen, 360 I.C.C. 91 (1979).

Certifications

Attached hereto as Exhibit C are Certificates of Service and Publication certifying compliance with the advance notice and newspaper publication requirements set forth at 49 C.F.R. § 1152.50(d)(1) and 49 C.F.R. § 1105.12, respectively. Attached as part of Exhibit D is a certificate of compliance with the advance notice requirements for Environmental and Historic Reports ("E&HR") as set forth at 49 C.F.R. § 1105.11.

Environmental and Historic Report

As is reflected in the certificate of compliance with the provisions of 49 C.F.R. § 1105.11 (see Exhibit D), NSR has prepared a combined E&HR in anticipation of the proposed abandonment of the Line that conforms to the requirements of 49 C.F.R. §§ 1105.7 and 1105.8. A copy of the E&HR is attached hereto as Attachment 1 to Exhibit D (§ 1105.11 certification).

Respectfully submitted,



William A. Mullins
Crystal M. Zorbaugh
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW
Suite 300
Washington, DC 20037
Tel: (202) 663-7820
Fax: (202) 663-7849

Attorneys for Norfolk Southern Railway Company and Central Railroad Company of Indianapolis

Greg E. Summy
General Solicitor
NORFOLK SOUTHERN CORPORATION
Three Commercial Place
Norfolk, Virginia 23510
Tel: (757) 533-4890
Fax: (757) 533-4872

August 1, 2017

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC

AB-290 (Sub-No. 392X)

NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN HARTFORD CITY, INDIANA

AB-511 (Sub-No. 7X)

CENTRAL RAILROAD COMPANY OF INDIANAPOLIS
– DISCONTINUANCE OF LEASE AND OPERATION AUTHORITY –
IN HARTFORD CITY, INDIANA

JOINTLY-FILED VERIFIED NOTICE OF EXEMPTION

EXHIBIT A

CERTIFICATIONS

CERTIFICATION

STATE OF GEORGIA:

ss:

CITY OF ATLANTA:

G. R. Comstock makes oath and says that he is General Manager Northern Region for Norfolk Southern Railway Company (NSR); that the rail line between Mileposts RK 138.6 and RK 138.8, where NSR proposes to abandon and Central Railroad Company of Indianapolis (CERA) proposes to discontinue its lease and operation authority, is subject to his supervision and direction; and that 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 before the Surface Transportation Board or any U. S. District Court or has been decided in favor of the complainant within the two-year period.

Gregory R. Comstock
G. R. Comstock

Subscribed and sworn to before me
this 5th day of July, 2017.

Jenny P. Borders
Notary Public

JENNY P. BORDERS
NOTARY PUBLIC
My Commission Expires
2/17/2020
PAULDING COUNTY, GEORGIA

My commission expires:

2/17/2020

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC

AB-290 (Sub-No. 392X)

NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN HARTFORD CITY, INDIANA

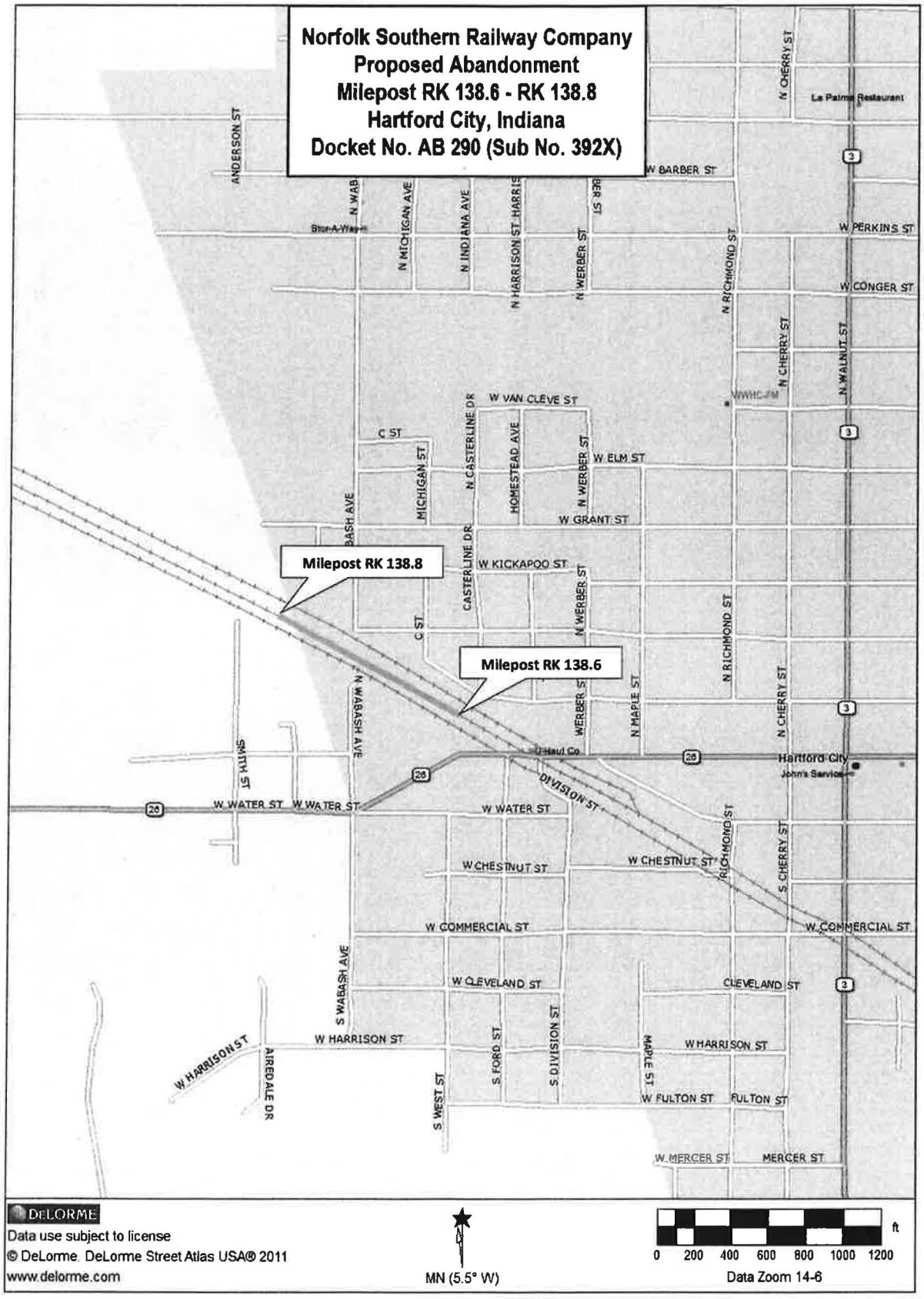
AB-511 (Sub-No. 7X)

CENTRAL RAILROAD COMPANY OF INDIANAPOLIS
– DISCONTINUANCE OF LEASE AND OPERATION AUTHORITY –
IN HARTFORD CITY, INDIANA

JOINTLY-FILED VERIFIED NOTICE OF EXEMPTION

EXHIBIT B

MAP


Norfolk Southern Railway Company
Proposed Abandonment
Milepost RK 138.6 - RK 138.8
Hartford City, Indiana
Docket No. AB 290 (Sub No. 392X)
Milepost RK 138.8
Milepost RK 138.6
ANDERSON ST
N WABASH AVE
N MICHIGAN AVE
N INDIANA AVE
N HARRISON ST
N WERBER ST
N BARBER ST
W BARBER ST
W PERKINS ST
W CONGER ST
N RICHMOND ST
N CHERRY ST
N WALNUT ST
W VAN CLEVE ST
C ST
MICHIGAN ST
N CASTERLINE DR
HOMESTEAD AVE
W ELM ST
W GRANT ST
W KICKAPOO ST
CASTERLINE DR
N MAPLE ST
U-Haul Co
Hartford City
John's Service
SMITH ST
W WATER ST
DIVISION ST
W CHESTNUT ST
S CHERRY ST
W COMMERCIAL ST
S WABASH AVE
W CLEVELAND ST
CLEVELAND ST
W HARRISON ST
AIREDALE DR
S FORD ST
S DIVISION ST
S WEST ST
W FULTON ST
FULTON ST
W MERCER ST
MERCER ST
DELORME
Data use subject to license
© DeLorme. DeLorme Street Atlas USA® 2011
www.delorme.com
MN (5.5° W)
0 200 400 600 800 1000 1200 ft
Data Zoom 14-6

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC

AB-290 (Sub-No. 392X)

NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN HARTFORD CITY, INDIANA

AB-511 (Sub-No. 7X)

CENTRAL RAILROAD COMPANY OF INDIANAPOLIS
– DISCONTINUANCE OF LEASE AND OPERATION AUTHORITY –
IN HARTFORD CITY, INDIANA

JOINTLY-FILED VERIFIED NOTICE OF EXEMPTION

EXHIBIT C

CERTIFICATES OF SERVICE/PUBLICATION

Certificate of Service of Advance Notice

49 C.F.R. § 1152.50(d)(1) – Notice

I certify that, on July 13, 2017, in keeping with 49 C.F.R. § 1152.50(d)(1), I caused the following parties to be served with written notice of the intent of Norfolk Southern Railway Company to invoke the Board's notice of exemption procedures to abandon and Central Railroad Company of Indianapolis ("CERA") to discontinue lease and operation authority over approximately 0.2 mile of rail line extending from near or about milepost RK 138.6 to near or about milepost RK 138.8 in Hartford City, Indiana. I also certify that the rail line does not contain federally granted rights-of-way.

Public Service Commission, et al.

Venetta Keefe, Passenger Rail Contract Manager
Indiana Department of Transportation
Indiana Government Center North
100 North Senate Avenue, Room N955-Rail
Indianapolis, Indiana 46204-2217

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

Department of Defense (Military Traffic Management Command, Transportation Engineering Agency, Railroads for National Defense Program)

David Dorfman
Headquarters Military Surface Deployment and Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA
Railroads for National Defense Program
1 Soldier Way, Building 1900W
Scott AFB, IL 62225

The National Park Service, Recreation Resources Assistance Division

Stephan Nofield
National Park Service
Rivers & Trails Conservation Program
1201 Eye Street, NW, 9th Floor (Org. Code 2220)
Washington, D.C. 20005

U.S. Department of Agriculture, Chief of the Forest Service

Thomas L. Tidwell, Chief
Forest Service
U.S. Department of Agriculture
Sidney R. Yates Federal Building
201 14th Street SW
Washington, DC 20024

August 1, 2017

Crystal M. Zorbaugh
Attorney for Norfolk Southern Railway Company and Central Railroad Company of Indianapolis

Certificate of Newspaper Publication

49 C.F.R. § 1105.12 – Newspaper Notice

I certify that a "Notice of Intent to Abandon Rail Service" was published in a newspaper of general circulation in the city/county in which the rail line is located and in the form prescribed by the Board for abandonment notices of exemption (49 C.F.R. § 1105.12). The notice was published one time on July 19, 2017, in The News Times, a newspaper of general circulation in Hartford City, Indiana . Attached is a Publisher's Claim and Tear Sheet from The News Times.

August 1, 2017

Crystal M. Zorbaugh
Attorney for Norfolk Southern Railway Company and
Central Railroad Company of Indianapolis

Prescribed by State Board of Accounts

General Form No. 99P (Rev. 2009A)

Baker & Miller

Blackford County

To: The News Times
P.O. Box 690
Hartford City, IN 47348

Ad#13189

PUBLISHER'S CLAIM

PLEASE COPY OF ADVERTISEMENT HERE

LINE COUNT

Display Master (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) -- number of equivalent lines

Head -- number of lines	2
Body -- number of lines	57
Tail -- number of lines	
Total number of lines in notice	59

COMPUTATION OF CHARGES

59 lines 2 columns wide equals 118 equivalent lines at .85 cents per line $100.30

Additional charges for notices containing rule or tabular work (50 per cent of above amount) .....

Charge for extra proofs of publication ($1.00 for each proof in excess of two) .....

TOTAL AMOUNT OF CLAIM $100.30

DATA FOR COMPUTING COST

Width of single column in picas 9.67 Size of type 7 point

Number of insertions 1

Pursuant to the provisions and penalties of IC 5-11-10-1, 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.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper 1 time(s). The dates of publication being as follows:

July 19, 2017

Additionally, the statement checked below is true and correct:

- [ ] Newspaper does not have a Web site.
- [X] Newspaper has a Web site and this public notice was posted on the same day as it was published in the newspaper.
- [ ] Newspaper has a Web site, but due to technical problem or error, public notice was posted on .....
- [ ] Newspaper has a Web site but refuses to post the public notice.

Date July 28, 2017

Title: Legal Manager

PUBLIC NOTICE

NOTICE OF INTENT TO ABANDON RAIL SERVICE

AB-290 (Sub-No. 392X)
AB-511 (Sub-No. 7X)

Norfolk Southern Railway Company ("NSR") and Central Railroad Company of Indianapolis ("CERA") give notice that on or about July 24, 2017, they intend to file with the Surface Transportation Board ("Board"), Washington, DC 20423, a jointly-filed Notice of Exemption pursuant to 49 C.F.R Part 1152 Subpart F – Exempt Abandonments, permitting NSR to abandon rail service and CERA to discontinue lease and operation authority over approximately 0.2 mile of rail line extending from near or about milepost RK 138.6 to near or about milepost RK 138.8 (referred to herein as the "Line") in Hartford City, Indiana. The Line traverses United States Postal Zip Code territory 47348. There are no customers served on the Line, which has been out of service for over two years. The abandonment proceeding has been docketed as AB-290 (Sub-No. 392X).

The proposed action entails the abandonment of rail service by NSR and the discontinuance of lease and operation authority by CERA over the Line. The Board's Office of Environmental Analysis ("OEA") generally will prepare an Environmental Assessment ("EA"), which normally will be available 25 days after the filing of the abandonment 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. Such comments 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 OEA, Surface Transportation Board, 395 E Street, SW, Washington, D.C. 20423, or by calling that office at (202) 245-0295.

Appropriate offers of financial assistance ("OFA") 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 public use, and OFA) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, S.W., Washington, DC 20423 [See 49 C.FR. §§ 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR § 1104.12(a)]. Questions regarding OFA, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0230. Copies of any comments or requests for specific Board action should be served on the applicant's representative: Crystal M. Zorbaugh, BAKER & MILLER PLLC, 2401 Pennsylvania Ave., N.W., Suite 300, Washington, DC 20037; phone: 202-663-7820; fax 202-663-7849.

13189 1T 7/19/2017

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC

AB-290 (Sub-No. 392X)

NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN HARTFORD CITY, INDIANA

AB-511 (Sub-No. 7X)

CENTRAL RAILROAD COMPANY OF INDIANAPOLIS
– DISCONTINUANCE OF LEASE AND OPERATION AUTHORITY –
IN HARTFORD CITY, INDIANA

JOINTLY-FILED VERIFIED NOTICE OF EXEMPTION

EXHIBIT D

CERTIFICATE OF COMPLIANCE WITH ENVIRONMENTAL AND HISTORIC REPORT REQUIREMENTS

Environmental and Historic Report
Certificate of Service

Pursuant to the requirements of 49 C.F.R. § 1105.7(b) and 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-290 (Sub-No. 392X) was mailed via first class mail on May 25, 2017 to the following parties:

Mayor Ben Hodgin
City of Hartford
700 N. Walnut Street
Hartford City, IN 47348

Mr. Garry Monroe
Common Council Member-At-Large
700 N. Walnut Street
Hartford City, IN 47348

Mr. John Lancaster, President
Blackford County Court House
110 W. Washington Street
Hartford City, IN 47348

Ms. Jane Hardisty, State Conservationist
Indiana State Office
United States Department of Agriculture
6013 Lakeside Drive
Indianapolis, IN 46278

Indiana Department of Natural Resources
402 W. Washington Street
Indianapolis, IN 46204

Mr. Mike Molnar, Program Manager
Indiana Department of Natural Resources
Coastal Program Office
402 W. Washington Street, Room W267
Indianapolis, IN 46204

Indiana EPA
Region 5 Office
77 W. Jackson Boulevard
Chicago, IL 60604

United States Army Corps of Engineers
Chicago District
231 S. LaSalle Street, Suite 1500
Chicago, IL 60604

Mr. Tom Melius, Regional Director
U.S. Fish and Wildlife Service
Midwest Region
5600 American Boulevard West, Suite 990
Bloomington, MN 55437

Indiana Historical Society
450 W. Ohio Street
Indianapolis, IN 46202

Mr. Charlie Stockman
National Park Service
Rivers and Trails Conservation Program
1201 Eye Street, NW 9th Floor
Washington, DC 20005

National Geodetic Survey
Geodetic Service Division
Room 9202 NGS/12
1315 East West Highway
Silver Spring, MD 20910

USEPA
Aerial Rios Building
1200 Pennsylvania Avenue NW
Mail Code 1101-A
Washington, DC 20460

Laura Hoag
May 25, 2017

Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510-9207

May 25, 2017

RE: Docket No. AB-290 (Sub-No. 392X), Norfolk Southern Railway Company
Abandonment – in Hartford City, Indiana

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon the segment of rail line near or about milepost RK 138.6 and near or about milepost RK 138.8, a distance of approximately 0.2 mile of rail line located in Hartford City, Indiana.

Enclosed is a Combined Environmental and Historic Report (Report) which describes the proposed abandonment and other pertinent information. A map of the proposed track abandonment can be found in **Appendix A** of this report. **Appendix B** of this report lists the various agencies receiving it. **Appendix C** of this report lists the various agency responses.

The railroad does not anticipate adverse environmental impacts; however, if you identify any adverse environmental effects, please describe the actions that would assist in alleviating them. Please provide us with a written response indicating any concerns or lack thereof, which will be included in the Report and sent to the Surface Transportation Board (STB).

This Report is being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think 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) by telephone at (202) 245-0245 or by mail to:

Surface Transportation Board
395 E Street, S.W., Room 1106
Washington DC 20423-0001

Please refer to the above Docket when contacting the STB. Applicable statutes and regulations impose stringent deadlines for processing this action. For this reason your written comments (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing with the STB, NSR must receive your comments within three weeks. Please provide information to LaWada Poarch by email at LaWada.Poarch@nscorp.com or by mail to:

LaWada Poarch
Abandonments Coordinator
Norfolk Southern Corporation
Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510
(757) 629-2803

Sincerely,

Laura Hoag

Laura Hoag
Director Strategic Planning
Norfolk Southern Railway Company

Attachment

BEFORE THE
SURFACE TRANSPORTATION BOARD

AB-290 (Sub-No. 392X)

NORFOLK SOUTHERN RAILWAY COMPANY
PROPOSED ABANDONMENT

AND

AB-511 (Sub-No. 7X)

CENTRAL RAILROAD COMPANY OF INDIANAPOLIS
DISCONTINUANCE OF LEASE AND OPERATION AUTHORITY

BETWEEN MILEPOST RK 138.6 AND MILEPOST RK 138.8

IN HARTFORD CITY, INDIANA

Combined Environmental and Historic Report

Norfolk Southern Railway Company ("NSR") and Central Railroad Company of Indianapolis ("CERA") submit this Combined Environmental and Historic Report pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, in connection with NSR's proposed abandonment and CERA's proposed discontinuance of lease and operation authority of approximately 0.2 mile of rail line between the following mileposts: near or about milepost RK 138.6 and near or about milepost RK 138.8 (the "Line") in Hartford City, Indiana.

May 25, 2017

ENVIRONMENTAL REPORT

49 CFR 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.

RESPONSE: NSR proposes to abandon and CERA proposes to discontinue its lease and operation authority over approximately 0.2 mile of rail line between the following mileposts: near or about milepost RK 138.6 and near or about milepost RK 138.8 (the "Line") in Hartford City, Indiana.[1] There are no customers served on the Line to be abandoned.

Following abandonment, the Line's rail and related track material will be salvaged. Salvage will consist of removing the rail and track material from the existing roadbed. The contour of the existing roadbed will remain as is, and existing drainage systems will remain intact. When the rail and track material are removed, the contractor will smooth the roadbed to a level surface. No ballast will be removed, and no soil disturbance will occur. No digging or burying of any kind will be permitted. Accordingly, NSR believes that no storm water mitigation measures – including, but not limited to, a National Pollutant Discharge Elimination System permit – will be required. All salvaged steel components will either be reused or sold as scrap. Crossties may be reused in other railroad operations, or they will be disposed of in accordance with applicable

[1] NSR leased the Line to CERA pursuant to a lease agreement entered into in September 2009. See Central Railroad Company of Indianapolis – Lease and Operation Exemption – Norfolk Southern Railway Company, FD 35300 (STB served Oct. 21, 2009).

federal and state laws and regulations.

The alternative to abandonment is to not abandon the Line and retain the track in place. This alternative is not satisfactory. NSR would continue to incur opportunity and other holding costs that would need to be covered by non-existent shippers were the Line to be retained.

A map depicting the Line is attached as **Appendix A**. An example of the railroad's letter to federal, state and local government agencies along with a list of the consulting agencies NSR has contacted is attached as **Appendix B**. Comments received as a result of NSR's written requests for feedback can be found in **Appendix C**.

49 CFR 1105.7(e)(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: Effects of the proposed action on regional or local transportation systems and patterns would be negligible. There is no rail freight or passenger traffic originating or terminating on the Line.

49 CFR 1105.7(e)(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.

RESPONSE: An outline of future land use plans has been requested from the City of Hartford ("City") and Blackford County ("County"), which were asked to comment on the consistency of the proposed abandonment with existing land use

plans. Copies of the City and County response letters are attached as part of **Appendix C**.

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

RESPONSE: Consultation was requested from The United States Department of Agriculture Natural Resources Conservation Service ("USDA NRCS"). The USDA NRCS states this project will not cause a conversion of prime farmland. A copy of the USDA NRCS response letter is attached as part of **Appendix C**.

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

RESPONSE: Consultation was requested from Indiana Department of Natural Resources, Coastal Program Office. No comments have been received.

(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. 10906 and explain why.

RESPONSE: The railroad has fee simple interest title to parts of the right-of-way underlying the Line proposed for abandonment; thus, NSR may have a corridor available for redeployment for alternative public use(s). The Line does not contain any federally granted right-of-way.

49 CFR 1105.7(e)(4) Energy.

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

RESPONSE: Development and transportation of energy resources will not be affected by the abandonment.

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

RESPONSE: Movement or recovery of recyclable commodities will not be

affected by the abandonment. There is no rail freight or passenger traffic originating or terminating on the Line.

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

RESPONSE: The proposed action will not result in any material impact in overall energy efficiency.

(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.

RESPONSE: The diversion of traffic to motor carriers will not exceed the thresholds set forth at 49 CFR §1105.7(e)(4) as no diversions will occur. Accordingly, there is no need to produce data on diverted traffic or to quantify the net change in energy consumption.

49 CFR 1105.7(e)(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.

RESPONSE: The above thresholds will not be exceeded.

(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.

RESPONSE: The above thresholds will not be exceeded.

(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: Not applicable.

49 CFR 1105.7(e)(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: The above thresholds will not be exceeded.

49 CFR 1105.7(e)(7) Safety.

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

RESPONSE: Abandonment of the Line will have no adverse impact on public health and safety.

(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.

RESPONSE: Not applicable.

(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: The railroad has no knowledge of hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way or in adjacent areas.

49 CFR 1105.7(e)(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.

RESPONSE: The railroad has requested input from the U.S. Fish and Wildlife Service ("USFWS") to ascertain any impacts to surrounding habitats and species. USFWS' website determined there are no critical habitats within the project area and lists Indiana bat (Myotis sodalis) wherever found as an endangered species. A copy of the USFWS official species list is attached as part of **Appendix C**.

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

RESPONSE: The Line does not appear to pass through state parks or forests, national parks or forests, or wildlife sanctuaries. No adverse effects on wildlife sanctuaries, national parks or forests, or state parks or forests are anticipated.

49 CFR 1105.7(e)(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.

RESPONSE: The railroad does not intend to remove or alter the contour of the roadbed underlying the Line to be abandoned by way of excavation or other ground-disturbance activity. Accordingly, no soils will be disturbed as a result of the proposed abandonment, and no storm water mitigation measures – including, but not limited to, a

National Pollutant Discharge Elimination System permit – will be required. There are no plans to undertake in-stream work, or dredge and/or use any fill materials in connection with the proposed abandonment, so, for this reason also, the proposed abandonment will not result in water quality impacts. Consultation has been requested from the regional Environmental Protection Agency office ("EPA Region 5"). No comments have been received.

(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.

RESPONSE: The geometry of the roadbed will not be altered and no in-stream work is contemplated. No discernible effects on either 100-year flood plains or adjacent wetlands are expected in connection with the proposed abandonment. Consultation was requested from the U.S. Army Corps of Engineers ("USACE"). No comments have been received.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action.

RESPONSE: The railroad does not plan to remove or alter the roadbed underlying the Line to be abandoned, to undertake in-stream work or to dredge or use any fill materials. There will be no excavation or other ground-disturbance activity, and, because no soils will be disturbed, no storm water mitigation measures – including, but not limited to, a National Pollutant Discharge Elimination System permit – will be required. The railroad anticipates that the abandonment will not affect water quality and that additional permitting under Section 402 will not be required. Nevertheless, NSR has requested input from EPA Region

5 office and Indiana Department of Natural Resources, Office of Water Resources. No comments have been received.

49 CFR 1105.7(e)(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 involved Line is not expected to produce adverse environmental impacts for the reasons set forth above. Only minimal physical activity may occur as a result of the proposed abandonment, such as removal of rail, ties, and other railroad appurtenances. The railroad will undertake all reasonable mitigation associated with these activities as directed by the Board to assure the abandonment does not produce adverse environmental impacts.

HISTORIC REPORT

49 CFR 1105.8(d)

PROPOSED ACTION AND ALTERNATIVES

Norfolk Southern Railway Company ("NSR") proposes to abandon and Central Railroad Company of Indianapolis ("CERA") proposes to discontinue its lease and operation authority over approximately 0.2 mile of rail line between the following mileposts: near or about milepost RK 138.6 and near or about milepost RK 138.8 (the "Line") in Hartford City, Indiana.[2] There are no customers served on the Line to be abandoned.

Following abandonment, the rail and related track material will be salvaged. Salvage will consist of removing the rail and track material from the existing roadbed. The contour of the existing roadbed will remain as is and existing drainage systems will remain intact. When the rail and track material are removed, the contractor will smooth the roadbed to a level surface. No ballast will be removed, and no soil disturbance will occur. No digging or burying of any kind will be permitted. Accordingly, NSR believes that no storm water mitigation measures – including, but not limited to, a National Pollutant Discharge Elimination System permit – will be required. All salvaged steel components will either be reused or sold as scrap. Crossties may be reused in other railroad operations, or they will be disposed of in accordance with applicable federal and state laws and regulations. The alternative to abandonment is to not abandon the Line and retain the track in place. This alternative is not satisfactory. NSR would continue to

[2] NSR leased the Line to CERA pursuant to a lease agreement entered into in September 2009. See Central Railroad Company of Indianapolis – Lease and Operation Exemption – Norfolk Southern Railway Company, FD 35300 (STB served Oct. 21, 2009).

incur opportunity and other holding costs that would need to be covered by non-existent shippers were the Line to be retained.

A map depicting the Line proposed for abandonment is attached in **Appendix A**.

ADDITIONAL INFORMATION

(1) **U.S.G.S. Topographic Map** – Map was furnished to the Indiana Historical Society.

(2) **Written Description of Right of Way** – The right-of-way width ranges from 50 feet to 100 feet along the main track centerline. Pursuant to Surface Transportation Board policy, the railroad's right-of-way will constitute the Area of Potential Effect ("APE") for this undertaking.

(3) **Photographs** – There are no structures on the Line.

(4) **Date of Construction of Structures** – Not applicable.

(5) **History of Operations and Changes Contemplated** – The Line proposed for abandonment is near or about milepost RK 138.6 and near or about milepost RK 138.8 in Hartford City, Indiana.

In 1852, the Marion and Mississinewa Valley Railroad was incorporated to build a rail line from Union City, Indiana to Marion, Indiana. In January 1863, the unfinished Marion and Mississinewa Valley Railroad was purchased by the newly incorporated Union and Logansport Railroad. In September 1867, the Union and Logansport Railroad merged with two other railroads to form the Columbus and Indiana Central Railway and the line between Union City and Marion was opened in October 1867. In February 1868, the Columbus and Indiana Central Railway merged with the Chicago and Great Eastern Railway to form the Columbus, Chicago and Indiana Central Railway. In February 1869, the Columbus, Chicago and Indiana Central Railway was leased to the Pittsburgh, Cincinnati and St. Louis Railway which was controlled by the Pennsylvania Railroad. The Columbus, Chicago and Indiana Central Railway went

bankrupt and was sold to the newly formed Chicago, St. Louis and Pittsburgh Railroad in March 1883. In September 1890, the Chicago, St. Louis and Pittsburgh Railroad merged with three other railroads to form the Pittsburgh, Cincinnati, Chicago and St. Louis Railway ("PCC&StL"). In December 1916, the PCC&StL was merged with four other railroads with the resulting railroad retaining the PCC&StL name. In January 1921, the PCC&StL was leased by the Pennsylvania Railroad and was merged into the Philadelphia, Baltimore and Washington Railroad in April 1956. In 1968, the Pennsylvania Railroad merged with the New York Central Railroad to form the Penn Central Transportation Company. In 1976, portions of the Penn Central properties, including the subject line, were included in the formation the Consolidated Rail Corporation. In June 1999, Norfolk Southern Corporation, parent to Norfolk Sothern Railway Company, assumed control of approximately fifty-eight percent of the Conrail properties including the subject line. In December 2009, the subject line was leased to CERA, a subsidiary of Genesee and Wyoming, Inc.

(6) Summary of Documents In Carrier's Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic – Not applicable.

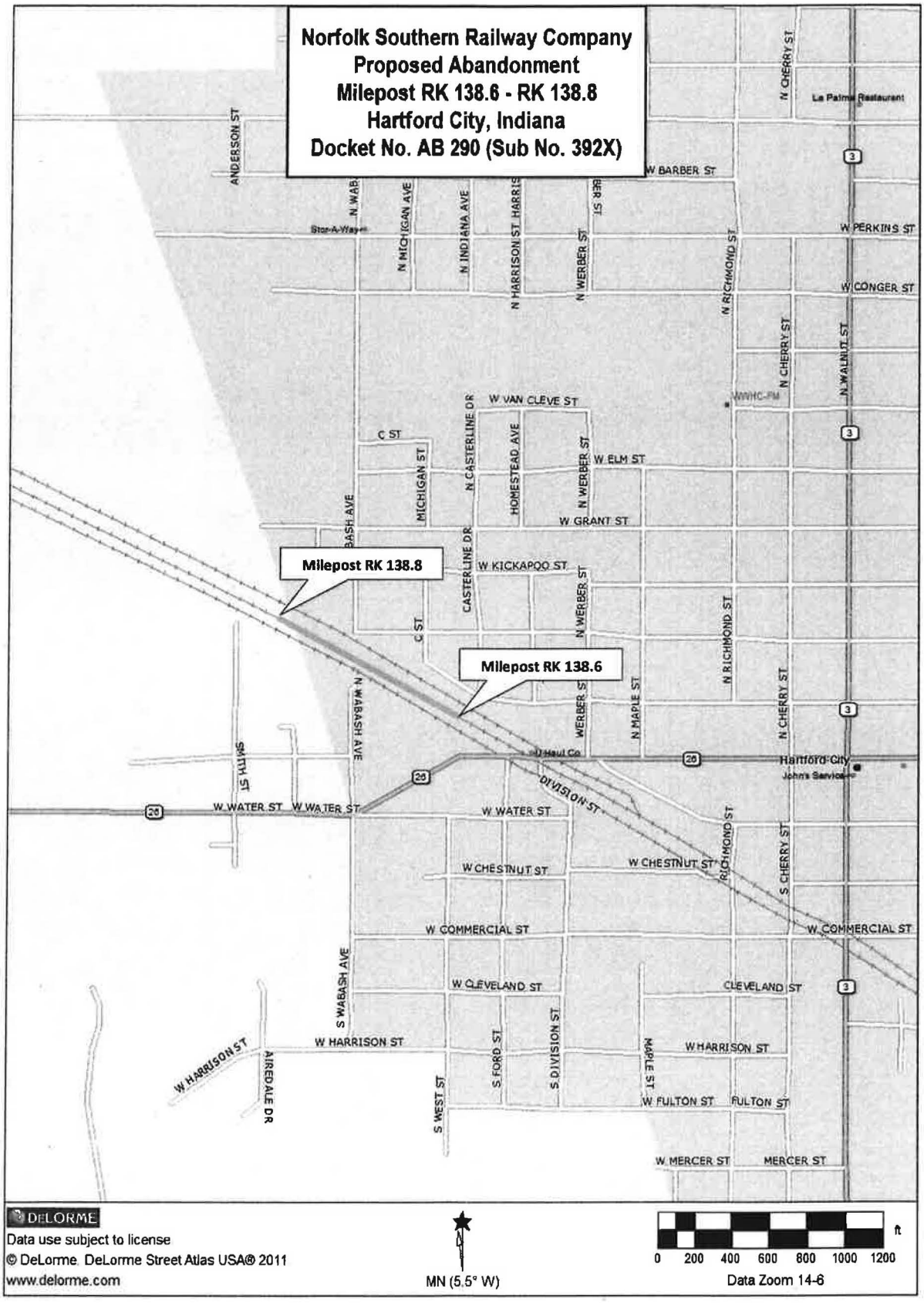
(7) Opinion Regarding Criteria For Listing In The National Register Of Historic Places – There are no structures on the Line or within the APE for this undertaking. The railroad has no reason to believe that there is any likelihood of finding archaeological resources or historic properties on the Line for abandonment.

(8) Subsurface Ground Conditions That Might Affect Archaeological Recovery The railroad is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery. Moreover, abandonment of the

Line and salvage of material from its surface will not affect any potential archaeological resources. The subsurface of the right-of-way was initially disturbed in the construction of the Line by grading and filling. Abandonment and salvage of the Line will not result in activities below the surface, or below the level of initial disturbance.

(9) Follow-Up Information – Additional information will be provided as appropriate.

APPENDIX A
Site Map


Norfolk Southern Railway Company
Proposed Abandonment
Milepost RK 138.6 - RK 138.8
Hartford City, Indiana
Docket No. AB 290 (Sub No. 392X)
Milepost RK 138.8
Milepost RK 138.6
W BARBER ST
W PERKINS ST
W CONGER ST
W VAN CLEVE ST
W ELM ST
W GRANT ST
W KICKAPOO ST
W WATER ST
W CHESTNUT ST
W COMMERCIAL ST
W CLEVELAND ST
W HARRISON ST
W FULTON ST
W MERCER ST
N CHERRY ST
N WALNUT ST
N RICHMOND ST
N WERBER ST
N HARRISON ST
N INDIANA AVE
N MICHIGAN AVE
N CASTERLINE DR
HOMESTEAD AVE
MICHIGAN ST
C ST
N WABASH AVE
S WABASH AVE
SMITH ST
DIVISION ST
RICHMOND ST
S CHERRY ST
S FORD ST
S DIVISION ST
MAPLE ST
S WEST ST
AIREDALE DR
ANDERSON ST
Hartford City
DELORME
Data use subject to license
© DeLorme. DeLorme Street Atlas USA® 2011
www.delorme.com
MN (5.5° W)
0 200 400 600 800 1000 1200 ft
Data Zoom 14-6

APPENDIX B
Agency Letters

Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510-9207

May 25, 2017

RE: Docket No. AB-290 (Sub-No. 392X), Norfolk Southern Railway Company
Abandonment – in Hartford City, Indiana

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon the segment of rail line near or about milepost RK 138.6 and near or about milepost RK 138.8, a distance of approximately 0.2 mile of rail line located in Hartford City, Indiana.

Enclosed is a Combined Environmental and Historic Report (Report) which describes the proposed abandonment and other pertinent information. A map of the proposed track abandonment can be found in **Appendix A** of this report. **Appendix B** of this report lists the various agencies receiving it. **Appendix C** of this report lists the various agency responses.

The railroad does not anticipate adverse environmental impacts; however, if you identify any adverse environmental effects, please describe the actions that would assist in alleviating them. Please provide us with a written response indicating any concerns or lack thereof, which will be included in the Report and sent to the Surface Transportation Board (STB).

This Report is being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think 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) by telephone at (202) 245-0245 or by mail to:

Surface Transportation Board
395 E Street, S.W., Room 1106
Washington DC 20423-0001

Please refer to the above Docket when contacting the STB. Applicable statutes and regulations impose stringent deadlines for processing this action. For this reason your written comments (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing with the STB, NSR must receive your comments within three weeks. Please provide information to LaWada Poarch by email at LaWada.Poarch@nscorp.com or by mail to:

LaWada Poarch
Abandonments Coordinator
Norfolk Southern Corporation
Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510
(757) 629-2803

Sincerely,

Laura Hoag

Laura Hoag
Director Strategic Planning
Norfolk Southern Railway Company

Attachment

APPENDIX C
Agency Responses

MAYOR
BEN HODGIN

OFFICE OF THE MAYOR

CITY OF HARTFORD CITY

Together We're Better

700 North Walnut Street
Hartford City, IN 47348
Office: 765-348-0412
Fax: 765-348-7244

April 14, 2017

LaWada Poarch, Abandonments Coordinator
Strategic Planning – 12th Floor
Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510

Re: Docket AB-290 (Sub-No. 392X) Norfolk Southern Railway Company
Abandonment in Hartford City, Indiana

Dear LaWada Poarch,

Please consider this letter as the City's support for the above referenced abandonment. The abandonment will help facilitate our future City plans and will allow us, following Railroad approval, to connect an existing roadway (Wabash Avenue) that currently ends on both sides of the tracks. This connection will allow for faster emergency response for our fire, police and other emergency vehicles and provide for a much faster connection to our hospital on the north side of the City. The connection will also provide for a much needed connection for our schools, Business Park and our citizens in general.

The rail is currently abandoned and basically non-existent to the immediate east of this location.

In short, this abandonment is consistent with our existing and future land use plans in the City and your consideration in this matter is much appreciated.

Feel free to contact our office if you have any questions.

Sincerely,
City of Hartford City

Ben Hodgin
Mayor

Cc: Mr. Keith Bryant, United Consulting

Blackford County Board of Commissioners

110 West Washington Street
Hartford City, Indiana 47348

Phone: 765-348-1620
Fax: 765-348-7222

John Lancaster, President Harry Pearson, Vice-President John Oxley

April 14, 2017

LaWada Poarch, Abandonments Coordinator
Strategic Planning – 12th Floor
Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510

Re: Docket AB-290 (Sub-No. 392X) Norfolk Southern Railway Company
Abandonment in Hartford City, Indiana

Dear LaWada Poarch,

Please consider this letter as the Blackford County's support for the above referenced abandonment. This area is within the City of Hartford City's corporate limits. The abandonment will help facilitate their future plans and will allow them, following Railroad approval, to connect an existing roadway (Wabash Avenue) that currently ends on both sides of the tracks. This connection will allow for faster emergency response for City and County fire, police and other emergency vehicles and provide for a much faster connection to the hospital on the north side of the City. The connection will also provide for a much needed connection for the City and County schools, Business Park and our citizens in general.

The rail is currently abandoned and basically non-existent to the immediate east of this location.

In short, this abandonment is consistent with our existing and future land use plans in Blackford County and your consideration in this matter is much appreciated.

Feel free to contact our office if you have any questions.

Sincerely,
Blackford County Commissioner

John Lancaster
President, Blackford County Commissioners

Cc: Mayor Ben Hodgin, Hartford City
Mr. Keith Bryant, United Consulting

CITY OF HARTFORD CITY
COMMON COUNCIL
700 North Walnut Street, Hartford City, IN 47348
P: 765-348-0412 F: 765-348-7244

April 14, 2017

LaWada Poarch, Abandonments Coordinator
Strategic Planning – 12th Floor
Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510

Re: Docket AB-290 (Sub-No. 392X) Norfolk Southern Railway Company
Abandonment in Hartford City, Indiana

Dear LaWada Poarch,

Please consider this letter as the Hartford City – City Council support for the above referenced abandonment. This area is within the City of Hartford City's corporate limits and the abandonment will help facilitate our future plans and will allow us, following Railroad approval, to connect an existing roadway (Wabash Avenue) that currently ends on both sides of the tracks. This connection will allow for faster emergency response for City fire, police and other emergency vehicles and provide for a much faster connection to the hospital on the north side of the City. The connection will also provide for a much needed connection for the City and County schools, Business Park and our citizens in general.

The rail is currently abandoned and basically non-existent to the immediate east of this location.

In short, this abandonment is consistent with our existing and future land use plans and your consideration in this matter is much appreciated.
Feel free to contact our office if you have any questions.

Sincerely,

Bill Hess

Bill Hess
City of Hartford City
Common Council President

Cc: Mayor Ben Hodgin, Hartford City
Mr. Keith Bryant, United Consulting

City of Hartford City, Department of Public Works
700 N Walnut Street **Phone 765-348-3363** **Jeffrey D. Thomas, Superintendent**
Hartford City, IN. 47348 **Fax 765-348-7251** **email: dpw@hartfordcity.net**

April 14, 2017

LaWada Poarch, Abandonments Coordinator
Strategic Planning – 12th Floor
Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510

Re: Docket AB-290 (Sub-No. 392X) Norfolk Southern Railway Company
Abandonment in Hartford City, Indiana

Dear LaWada Poarch,

Please consider this letter as the Hartford City – Department of Public Works support for the above referenced abandonment. This area is within the our corporate limits and the abandonment will help facilitate our future plans and will allow us, following Railroad approval, to connect an existing roadway (Wabash Avenue) that currently ends on both sides of the tracks. This connection will expedite emergency response for City fire, police and other emergency vehicles and provide for a much faster connection to the hospital on the north side of the City. The connection will also provide for a much needed connection for the City and County schools, Business Park and our citizens in general.

The rail is currently abandoned and basically non-existent to the immediate east of this location.

In short, this abandonment is consistent with our existing and future land use plans and your consideration in this matter is much appreciated.

Feel free to contact our office if you have any questions.

Sincerely,
City of Hartford City Department of Public Works

Jeff Thomas
Superintendent

Cc: Mayor Ben Hodgin, Hartford City
Mr. Keith Bryant, United Consulting

USDA
United States Department of Agriculture

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

March 14, 2017

Lawanda Poarch, Abandonment Coordinator
Strategic Planning – 12th Floor
Norfolk Southern Corporation
3 Commercial Place
Norfolk, Virginia 23510

Dear Ms. Poarch:

The proposed Norfolk Southern Railway Company Abandonment project located along a .20 mile of rail line between Milepost RK 138.6 and Milepost 138.8 in the City of Hartford, Blackford County, Indiana, as referred to in your correspondence received March 10, 2017, will not cause a conversion of prime farmland.

If you need additional information, please contact Rick Neilson at 317-295-5875.

Sincerely,

Jane E. Hardisty

JANE E. HARDISTY
State Conservationist

USDA is an equal opportunity provider and employer.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Bloomington Ecological Services Field Office
620 SOUTH WALKER STREET
BLOOMINGTON, IN 47403
PHONE: (812)334-4261 FAX: (812)334-4273
URL: www.fws.gov/midwest/Endangered/section7/s7process/step1.html

Consultation Code: 03E12000-2017-SLI-0469 March 02, 2017
Event Code: 03E12000-2017-E-00657
Project Name: Red Key Secondary

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The attached species list identifies any federally threatened, endangered, proposed and candidate species that may occur within the boundary of your proposed project or may be affected by your proposed project. The list also includes designated critical habitat if present within your proposed project area or affected by your project. This list is provided to you as the initial step of the consultation process required under section 7(c) of the Endangered Species Act, also referred to as Section 7 Consultation.

Section 7 of the Endangered Species Act of 1973 requires that actions authorized, funded, or carried out by Federal agencies not jeopardize federally threatened or endangered species or adversely modify designated critical habitat. To fulfill this mandate, Federal agencies (or their designated non-federal representative) must consult with the Service if they determine their project "may affect" listed species or critical habitat.

Under 50 CFR 402.12(e) (the regulations that implement Section 7 of the Endangered Species Act) the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally. You may verify the list by visiting the ECOS-IPaC website http://ecos.fws.gov/ipac/ at regular intervals during project planning and implementation and completing the same process you used to receive the attached list. As an alternative, you may contact this Ecological Services Field Office for updates.

Please use the species list provided and visit the U.S. Fish and Wildlife Service's Region 3 Section 7 Technical Assistance website at - http://www.fws.gov/midwest/endangered/section7/s7process/index.html. This website contains step-by-step instructions which will help you determine if your project will have an adverse effect on listed species and will help lead you through the Section 7 process.

For all **wind energy projects** and **projects that include installing towers that use guy wires or are over 200 feet in height**, please contact this field office directly for assistance, even if no federally listed plants, animals or critical habitat are present within your proposed project or may be affected by your proposed project.

Although no longer protected under the Endangered Species Act, be aware that bald eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*) and Migratory Bird Treaty Act (16 U.S.C. 703 *et seq*), as are golden eagles. Projects affecting these species may require measures to avoid harming eagles or may require a permit. If your project is near an eagle nest or winter roost area, see our Eagle Permits website at http://www.fws.gov/midwest/midwestbird/EaglePermits/index.html to help you determine if you can avoid impacting eagles or if a permit may be necessary.

We appreciate your concern for threatened and endangered species. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment

United States Department of Interior
Fish and Wildlife Service

Project name: Red Key Secondary

Official Species List

Provided by:

Bloomington Ecological Services Field Office
620 SOUTH WALKER STREET
BLOOMINGTON, IN 47403
(812) 334-4261
http://www.fws.gov/midwest/Endangered/section7/s7process/step1.html

Consultation Code: 03E12000-2017-SLI-0469
Event Code: 03E12000-2017-E-00657

Project Type: LAND - EASEMENT / RIGHT-OF-WAY

Project Name: Red Key Secondary
Project Description: Proposed rail abandonment between mileposts RK 138.6 and 138.8

Please Note: The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.

United States Department of Interior
Fish and Wildlife Service

Project name: Red Key Secondary

Project Location Map:



Project Coordinates: MULTIPOLYGON (((-85.44353547568458 40.37954296464951, -85.4449100759196 40.47932302024587, -85.44569452121252 40.50799996023787, -85.44548743801548 40.52361094405997, -85.44617560361131 40.56613753362834, -85.39069081677722 40.566083023647614, -85.33385451979149 40.56652233080886, -85.20197640963409 40.56643056421852, -85.20233495839699 40.54182648457804, -85.2019989581908 40.50897581775324, -85.20145284526804 40.494195390418696, -85.20162119949713 40.48028221440075, -85.20665970940507 40.48018503243573, -85.20694335088297 40.48006363820622, -85.20715996081697 40.479843935717774, -85.20723252699395 40.47970698011446, -85.20729266498694 40.47940437068179, -85.2075043104581 40.38006273073634, -85.25842712359363 40.379675310295404, -85.27744382732675 40.37917263354239, -85.32978709960415 40.379008668867726, -85.33096001591848 40.379011074550384, -85.33106639379689 40.37925630655832, -85.3312924258205 40.37948006809998, -85.33143417919787 40.37955389765684, -85.33174709694224 40.37961083787533, -85.35091800968459 40.379225027646, -85.44353547568458 40.37954296464951)))

Project Counties: Blackford, IN

United States Department of Interior
Fish and Wildlife Service

Project name: Red Key Secondary

Endangered Species Act Species List

There are a total of 1 threatened or endangered species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Mammals	Status	Has Critical Habitat	Condition(s)
Indiana bat *(Myotis sodalis)* Population: Wherever found	Endangered		

United States Department of Interior
Fish and Wildlife Service

Project name: Red Key Secondary

Critical habitats that lie within your project area

There are no critical habitats within your project area.

THIS IS NOT A PERMIT

State of Indiana
DEPARTMENT OF NATURAL RESOURCES
Division of Fish and Wildlife
Early Coordination/Environmental Assessment

DNR #: ER-19823 **Request Received:** May 31, 2017

Requestor: Norfolk Southern Corporation
LaWada Poarch
3 Commercial Place
Norfolk, VA 23510

Project: Proposed abandonment of about 0.2 miles of rail line from milepost RK 138.6 to milepost RK 138.8, Hartford City; Docket No. AB-290 (Sub-No. 392X)

County/Site Info: Blackford

The Indiana Department of Natural Resources has reviewed the above referenced project per your request. Our agency offers the following comments for your information and in accordance with the National Environmental Policy Act of 1969.

If our agency has regulatory jurisdiction over the project, the recommendations contained in this letter may become requirements of any permit issued. If we do not have permitting authority, all recommendations are voluntary.

Regulatory Assessment: Formal approval by the Department of Natural Resources under the regulatory programs administered by the Division of Water is not required for this project.

Natural Heritage Database: The Natural Heritage Program's data have been checked.
To date, no plant or animal species listed as state or federally threatened, endangered, or rare have been reported to occur in the project vicinity.

Fish & Wildlife Comments: The measures below should be implemented to avoid, minimize, or compensate for impacts to fish, wildlife, and botanical resources:
1. Revegetate all bare and disturbed areas with a mixture of grasses (excluding all varieties of tall fescue) and legumes as soon as possible upon completion; low endophyte tall fescue may be used in the ditch bottom and side slopes only.
2. Minimize and contain within the project limits all tree and brush clearing.
3. Do not cut any trees suitable for Indiana bat or Northern Long-eared bat roosting (greater than 3 inches dbh, living or dead, with loose hanging bark, or with cracks, crevices, or cavities) from April 1 through September 30.
4. Appropriately designed measures for controlling erosion and sediment must be implemented to prevent sediment from entering the stream or leaving the construction site; maintain these measures until construction is complete and all disturbed areas are stabilized.
5. Plant five trees, at least 2 inches in diameter-at-breast height, for each tree which is removed that is ten inches or greater in diameter-at-breast height.

Contact Staff: Christie L. Stanifer, Environ. Coordinator, Fish & Wildlife
Our agency appreciates this opportunity to be of service. Please contact the above staff member at (317) 232-4080 if we can be of further assistance.

Christie L. Stanifer **Date:** June 14, 2017
Environ. Coordinator
Division of Fish and Wildlife

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC

AB-290 (Sub-No. 392X)

NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN HARTFORD CITY, INDIANA

AB-511 (Sub-No. 7X)

CENTRAL RAILROAD COMPANY OF INDIANAPOLIS
– DISCONTINUANCE OF LEASE AND OPERATION AUTHORITY –
IN HARTFORD CITY, INDIANA

JOINTLY-FILED VERIFIED NOTICE OF EXEMPTION

DRAFT NOTICE OF EXEMPTION [CAPTION SUMMARY]

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[AB-290 (Sub-No. 392X)]

[AB-511 (Sub-No. 7X)]

Norfolk Southern Railway Company— Abandonment Exemption – In Hartford City, Indiana; Central Railroad Company of Indianapolis – Discontinuance of Lease and Operation Authority– In Hartford City, Indiana.

Norfolk Southern Railway Company ("NSR") and Central Railroad Company of Indianapolis ("CERA")(collectively, "Applicants") jointly filed on August 1, 2017 a notice of exemption under 49 C.F.R. part 1152 subpart F–Exempt Abandonments and Discontinuances of Service and Trackage Rights for NSR to abandon and CERA to discontinue lease and operation authority over an approximately 0.2-mile NSR owned rail line extending from near or about milepost RK 138.6 to near or about milepost RK 138.8 in Hartford City, Indiana (referred to herein as the "Line"). The entire Line is located in Hartford City, Indiana. The Line traverses United States Postal Zip Code territory 47348. There are no customers served on the Line, which has been out of service for over two years.

Applicants have certified that: (1) no local traffic has moved over the line for at least 2 years; (2) that no overhead traffic has moved over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the applicable requirements at 49 C.F.R. § 1105.12

(newspaper publication), and 49 C.F.R. § 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the discontinuance shall be protected under Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. § 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on _____, 2017, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues and formal expressions of intent to file an OFA for continued rail service under 49 C.F.R. § 1152.27(c)(2) must be filed by _____.[1] Petitions to reopen must be filed by _____, 2017, with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to NSR's and CERA's representative: Crystal M. Zorbaugh, Baker & Miller PLLC, 2401 Pennsylvania Ave., NW, Suite 300, Washington, DC 20037.

If the verified notice contains false or misleading information, the exemption is void ab initio.

NSR has filed a combined Environmental and Historic Report which addresses the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by _____, 2017. Interested persons may obtain a copy of the

[1] Each OFA must be accompanied by the filing fee, which is currently set at $1,700. See 49 C.F.R. § 1002.2(f)(25).

EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423-0001) or by calling OEA at (202) 245-0305. Assistance for the hearing impaired is available through the Federal Information Relay Service at 1-800-877-8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 C.F.R. § 1152.29(e)(2), NSR shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by NSR's filing of a notice of consummation by _____, 2018, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: _____, 2017.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC

AB-290 (Sub-No. 392X)

NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN HARTFORD CITY, INDIANA

AB-511 (Sub-No. 7X)

CENTRAL RAILROAD COMPANY OF INDIANAPOLIS
– DISCONTINUANCE OF LEASE AND OPERATION AUTHORITY –
IN HARTFORD CITY, INDIANA

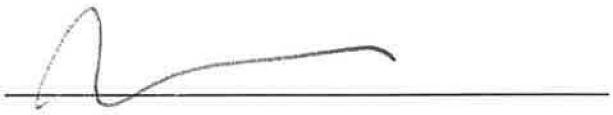
JOINTLY-FILED VERIFIED NOTICE OF EXEMPTION

VERIFICATION

Verification

I, John Friedmann, Vice President for Norfolk Southern Railway Company ("NSR") sign and verify on behalf of NSR under penalty of perjury that to the best of my knowledge the facts stated in the foregoing abandonment and discontinuance of lease and operation authority notice of exemption with respect to NSR are true and correct. Further, I certify that I am qualified and authorized to make such verification on behalf of NSR in connection with this proceeding before the Surface Transportation Board.

Executed this tenth day of July, 2017.



John H. Friedmann
Vice President

Verification

I, John Friedmann, Vice President for Norfolk Southern Railway Company ("NSR") sign and verify on behalf of Central Railroad Company of Indianapolis ("CERA") under penalty of perjury that to the best of CERA's knowledge the facts stated in the foregoing abandonment and discontinuance of lease and operation authority notice of exemption with respect to CERA are true and correct. Further, I certify that I am qualified and authorized to make such verification on behalf of CERA in connection with this proceeding before the Surface Transportation Board.

Executed this tenth day of July, 2017.



John H. Friedmann
Vice President