

BEFORE THE
SURFACE TRANSPORTATION BOARD



WINAMAC SOUTHERN RAILWAY) DOCKET NOS.
COMPANY AND US RAIL HOLDINGS,) AB-1254X AND
LLC -- ABANDONMENT EXEMPTION --) AB-1255X
IN KOKOMO, HOWARD COUNTY, IN)

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243921

JOINT VERIFIED NOTICE OF EXEMPT ABANDONMENT

ENTERED
Office of Proceedings
July 6, 2017
Part of
Public Record

US RAIL HOLDINGS, LLC*
7846 West Central Avenue
Toledo, OH 43617

WINAMAC SOUTHERN RAILWAY COMPANY*
P.O. Box 745
Kokomo, IN 46901

Applicants

FILED
July 6, 2017
SURFACE
TRANSPORTATION BOARD

By: THOMAS F. McFARLAND
THOMAS F. McFARLAND, P.C.
208 South LaSalle Street, Suite 1666
Chicago, IL 60604-1228
(312) 236-0204
mcfarland@aol.com

Attorney for Applicants

FEE RECEIVED
July 6, 2017
SURFACE

DATE FILED: July 6, 2017

TRANSPORTATION BOARD

- * Winamac Southern Railway Company is assigned by Docket No. AB-1254X.
US Rail Holdings, LLC is assigned by Docket No. AB-1255X.

BEFORE THE
SURFACE TRANSPORTATION BOARD



WINAMAC SOUTHERN RAILWAY	)	DOCKET NOS.
COMPANY AND US RAIL HOLDINGS,	)	AB-1254X AND
LLC -- ABANDONMENT EXEMPTION --	)	AB-1255X
IN KOKOMO, HOWARD COUNTY, IN	)	

JOINT VERIFIED NOTICE OF EXEMPT ABANDONMENT

Pursuant to the class exemption at 49 C.F.R. § 1152.50 *et seq.* and 49 U.S.C. § 10502(a), WINAMAC SOUTHERN RAILWAY COMPANY (WSRY, Docket No. AB-1254X) and US RAIL HOLDINGS, LLC (USRH, Docket No. AB-1255X) hereby provide notice of their class exemption from the application and prior approval provisions of 49 U.S.C. § 10903 for abandonment of their jointly owned rail line between Milepost No. 181.26 at the west right-of-way (ROW) line of Webster Street and Milepost No. 183.64, the end of track at the south ROW line of Defenbaugh Street, a distance of 2.38 miles in Kokomo, Howard County, Indiana. The rail line is commonly referred to as the Russiaville Line. The Line is shaded in yellow on a map attached to this Notice as Appendix 1.

BACKGROUND

In 1999, Central Railroad Company of Indianapolis (CERA) leased the Russiaville Line from its then-owner, Norfolk and Western Railway Company (N&W). In 2002, CERA purchased the rail line from N&W successor, Norfolk Southern Railway Company (NS). *Central RR Co. of Indpls. -- Acq. & Oper. Exempt -- Norfolk Southern Ry. Co.*, 2002 WL 1486652 (F.D. No. 34221, decision served July 12, 2002).

In 2009, CERA obtained an exemption from the Board for abandonment of the Russiaville Line and another rail line in Kokomo, IN. *Central RR Co. of Indpls. --Aband. Exempt. -- in Howard County, IN*, 2009 WL 824740 (Docket No. AB-511 [Sub-No. 4X], decision served March 30, 2009).

Thereafter, WSRV and USRH jointly filed an offer of financial assistance (OFA) to purchase the Russiaville Line and the other rail line in Kokomo. In a decision served on June 11, 2009, the Board authorized WSRV and USRH jointly to acquire the Russiaville Line pursuant to an agreement with CERA reached during the OFA process. *Central RR Co. of Indpls. -- Aband. Exempt. -- in Howard County, IN*, 2009 WL 1630589 (Docket No. AB-511 [Sub-No. 4X], decision served June 11, 2009).

This Notice seeks an exemption for abandonment of the Russiaville Line. The other rail line acquired through the OFA in the same proceeding as the Russiaville Line remains under the joint ownership of WSRV and USRH, and is not involved in this abandonment proceeding.

INFORMATION REQUIRED BY 49 C.F.R. § 1152.50(d)(2)

1. Proposed Consummation Date

If the abandonment is authorized, it is proposed to convey the right-of-way of the Russiaville Line to the City of Kokomo for railbanking and interim recreational trail use under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29, in which event the abandonment would not be consummated. In the event that the right-of-way is not conveyed for railbanking and trail use, the abandonment will not be consummated earlier than 50 days after the date on which this Notice is filed with the Board. In the latter event, the proposed consummation date will be August 26, 2017.

2. Certification Required by 49 C.F.R. § 1152.50(b)

Attached to this Notice as Appendix 2 are verifications that no local traffic has moved over the Russiaville Line for at least two years; that there has been no overhead traffic over the Line in at least two years; that the Line is not capable of transporting overhead traffic; that no formal complaint has been filed by a user of rail service on the Line, or by a State or local governmental entity on behalf of such a user, regarding cessation of service over the Line that is either pending with the Board or any U.S. District Court or has been decided in favor of the complainant within the 2-year period; and that neither WSRY nor USRH has imposed an illegal embargo or other impediment to rail service.

3. Exact Name of Applicant - 49 C.F.R. § 1152.22(a)(1)

Applicants are Winamac Southern Railway Company and US Rail Holdings, LLC.

4. Common Carrier Status - 49 C.F.R. § 1152.22(a)(2)

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

5. Relief Sought - 49 C.F.R. § 1152.22(a)(3)

Applicants seek abandonment of the Russiaville Line.

6. Map of the Rail Line - 49 C.F.R. § 1152.22(a)(4)

A map of the Russiaville Line is attached to this Notice as Appendix 1.

7. Applicant's Representative - 49 C.F.R. § 1152.22(a)(7)

Applicant's Representative to whom correspondence is to be sent is Thomas F.

McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1666, Chicago, Illinois 60604-1228, (312) 236-0204 (phone), mcfarland@aol.com (e-mail).

8. Postal Service Zip Codes - 49 C.F.R. § 1152.22(a)(8)

The Russiaville Line traverses USPS Zip Code 46901.

9. Use for Other Public Purposes - 49 C.F.R. § 1152.22(e)(4)

In Applicants' view, the right-of-way of the Russiaville Line is appropriate for use as a recreational trail. In the event that abandonment is approved, the City of Kokomo has expressed an intent to acquire the right-of-way for railbanking and interim recreational trail use under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29. In Applicants' view, it is unlikely that the right-of-way would be appropriate for other public uses. Applicants do not believe that the Line contains federally-granted ROW. Any documentation in the railroad's possession will be made available promptly to those requesting it.

10. Level of Labor Protection

Inasmuch as there has been no service over the Russiaville Line for many years, no railroad employees would be harmed by the proposed abandonment. Nevertheless, Applicants agree to the application of the standard labor protective conditions set forth in *Oregon Short Line R. Co. - Abandonment - Goshen*, 360 ICC 91 (1979).

11. Notice Requirements - 49 C.F.R. § 1152.50(d)(1) and 49 C.F.R. § 1105.11 and 12

Attached to this Notice as Appendix 3 is a verification by Thomas F. McFarland as attorney for Applicants that:

- (1) Notice of the proposed abandonment has been timely provided to the entities listed in 49 C.F.R. § 1152.50(d)(1).
- (2) In accordance with 49 C.F.R. § 1105.11, Applicants have sent a copy of their Draft Combined Environmental and Historic Report (CEHR) to the agencies

identified in 49 C.F.R. § 1105.7(b) and to the Indiana Historic Preservation Office. A copy of the CEHR is attached to this Notice as Appendix 4.

- (3) Applicants have complied with the Newspaper Notice Requirement of 49 C.F.R. § 1105.12.

DRAFT FEDERAL REGISTER NOTICE

A Draft Federal Register Notice is attached as Appendix 5.

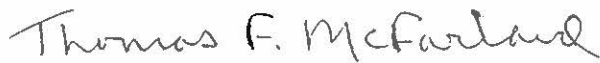
WHEREFORE, the Director of the Board's Office of Proceedings should publish a Notice in the *Federal Register* within 20 days of the filing of this Joint Verified Notice of Exemption under 49 C.F.R. § 1152.50.

Respectfully submitted,

US RAIL HOLDINGS, LLC
7846 West Central Avenue
Toledo, OH 43617

WINAMAC SOUTHERN RAILWAY COMPANY
P.O. Box 745
Kokomo, IN 46901

Applicants



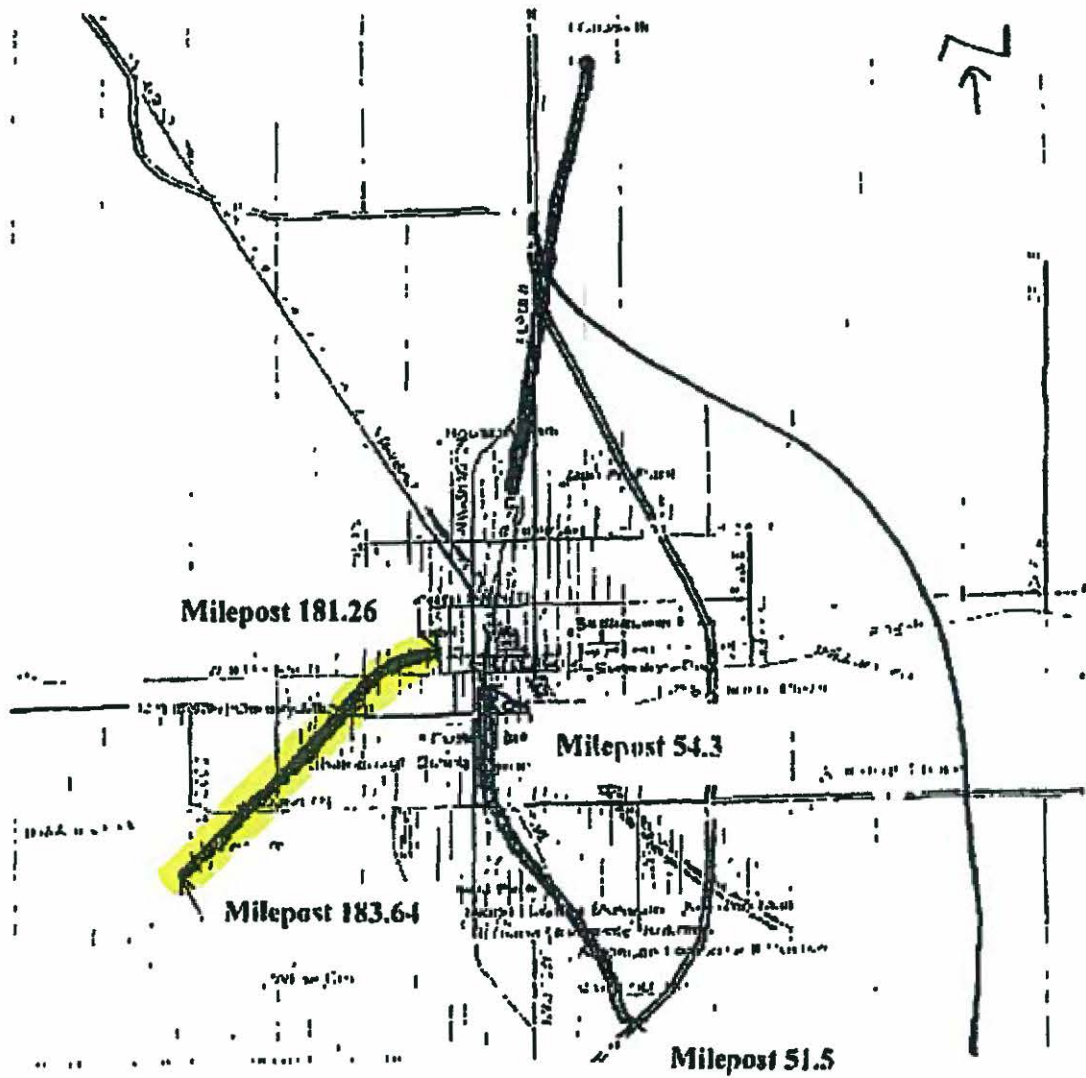
By: THOMAS F. McFARLAND
THOMAS F. McFARLAND, P.C.
208 South LaSalle Street, Suite 1666
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(312) 236-0204
mcfarland@aol.com

Attorney for Applicants

DATE FILED: July 6, 2017

DOCKET NOS.
AB-1254X &
AB-1255X

APPENDIX 1 - MAP



DOCKET NOS.
AB-1254X &
AB-1255X

APPENDIX 2 - VERIFICATION

VERIFICATION

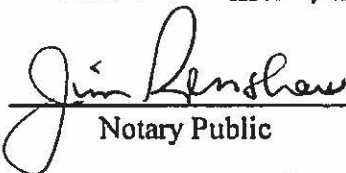
Scot Ortman and Gabriel Hall make oath and say that they are authorized representatives of Winamac Southern Railway Company (WSRY) and US Rail Holdings, LLC (USRH); that the rail line between Milepost Nos. 181.26 and 183.64, over which service is to be abandoned, is subject to their supervision and direction; that no local traffic has moved over the line for at least two years; 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; 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; and that WSRY and USRH have not illegally embargoed rail service over the rail line.



SCOT ORTMAN

STATE OF INDIANA)
) SS:
COUNTY OF HOWARD)

SUBSCRIBED and SWORN to before me
this 30th day of May, 2017.


Notary Public

My Commission expires: 10/22/2021

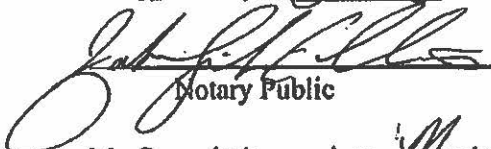
Docket Nos. AB-1254X
and AB-1255X
Appendix 2



GABRIEL HALL

STATE OF OHIO)
) SS:
COUNTY OF LUCAS)

SUBSCRIBED and SWORN to before me
this 15 day of June, 2017.

 ZAHRA. A. COLLINS
Notary Public

My Commission expires: March 26, 2020

**DOCKET NOS.
AB-1254X &
AB-1255X**

APPENDIX 3 - TMcF VERIFICATION

Certificate of Service of Advance Notice

49 C.F.R. § 1152.50(d)(1) - Notice

I certify that on June 16, 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 Winamac Southern Railway Company and US Rail Holdings, LLC to invoke the Board's notice of exemption procedures to abandon approximately 2.38 miles of rail line in Kokomo, Howard County, IN. I also certify that the rail line does not contain federally granted rights-of-way.

Public Service Commission, et. al

Indiana Department of Transportation
Railroad Section
100 N. Senate Avenue 1GC-N
Room N901
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, DC 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

Handwritten signature of Thomas F. McFarland in cursive script.

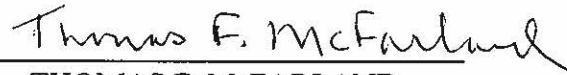
THOMAS F. McFARLAND
Attorney for Applicants

DATED: June 16, 2017

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 in the Kokomo Tribune on June 27, 2017, in Howard County, Indiana.



THOMAS F. McFARLAND

Attorney for Applicants

DATED: June 27, 2017

AFFIDAVIT OF PUBLICATION

STATE OF INDIANA
County of Howard

City of Kokomo

ISSUED:

The subscriber, being duly sworn, deposes and says that
he (she) is the said Angela Lunsford of KOKOMO TRIBUNE
and that the foregoing notice for

BEFORE THE SURFACE TRANS

was published in said newspaper in one editions

of said newspaper issued between 06/27/2017 and 06/27/2017

Cost: 201.60

Angela M Lunsford

SUBSCRIBED AND SWORN BEFORE ME THIS 27th day of June, A.D. 2017

Cara Lynn Pitts

Notary Public

My Commission Expires October 1, 2024

BEFORE THE
SURFACE TRANSPORTATION
BOARD
WASHINGTON, D.C. 20423
STB Docket Nos. AB-1254X
and AB-1255X
WINAMAC SOUTHERN
RAILWAY COMPANY
AND US RAIL HOLDINGS, LLC
--ABANDONMENT EXEMPTION
IN KOKOMO,
HOWARD COUNTY, INDIANA
JOINT NOTICE OF INTENT TO
ABANDON RAIL SERVICE

Winamac Southern Railway Company (AWSRY®) and US Rail Holdings, LLC (AUSRH®) give notice that on or about July 6, 2017 they intend to file with the Surface Transportation Board (STB) in Washington, DC 20423, a Joint Notice of Exemption under 49 C.F.R. 1152 Subpart F - Exempt Abandonments permitting the abandonment of a 2.38 mile line of railroad between Milepost No. 181.26 at the west right-of-way line of Webster Street and Milepost No. 183.64, the end of track, at the south right-of-way line of Defenbaugh Street, Kokomo, Howard County, Indiana commonly known as the Russiaville Line. The Russiaville Line traverses USPS Zip Code 46901. These proceedings are docketed as STB Docket Nos. AB-1254X and AB-1255X, Winamac Southern Railway Company and US Rail Holdings LLC -- Abandonment Exemption in Howard County, IN.

The Board's Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 10 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, DC 20423, by calling that office at 202 922 6211.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trail use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Chief, Section of Administration, 395 E Street S.W., Washington, DC 20423 [See 49 C.F.R. 1104.1(a) and 1104.3(a)] and one copy must be served on applicants' representative [See 49 C.F.R. 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services at 202 245 0238. Copies of any comments or requests for conditions should be served on the applicant's representative: Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1666, Chicago, IL 60604-1228, phone 312 236-0204. K-544 June 27 hspaxlp

**DOCKET NOS.
AB-1254X &
AB-1255X**

APPENDIX 4 - CEHR

BEFORE THE
SURFACE TRANSPORTATION BOARD

WINAMAC SOUTHERN RAILWAY	)	DOCKET NOS.
COMPANY AND US RAIL HOLDINGS,	)	AB-1254X AND
LLC -- ABANDONMENT EXEMPTION --	)	AB-1255X
IN KOKOMO, HOWARD COUNTY, IN	)	

COMBINED DRAFT OF ENVIRONMENTAL AND HISTORIC REPORT

US RAIL HOLDINGS, LLC*
7846 West Central Avenue
Toledo, OH 43617

WINAMAC SOUTHERN RAILWAY COMPANY*
P.O. Box 745
Kokomo, IN 46901

Applicants

By: THOMAS F. McFARLAND
THOMAS F. McFARLAND, P.C.
208 South LaSalle Street, Suite 1666
Chicago, IL 60604-1228
(312) 236-0204
mcfarland@aol.com

Attorney for Applicants

DATED: June 16, 2017

- * Docket No. AB-1254X is assigned to Winamac Southern Railway Company.
Docket No. AB-1255X is assigned to US Rail Holdings, LLC.

BEFORE THE
SURFACE TRANSPORTATION BOARD

WINAMAC SOUTHERN RAILWAY	)	DOCKET NOS.
COMPANY AND US RAIL HOLDINGS,	)	AB-1254X AND
LLC -- ABANDONMENT EXEMPTION --	)	AB-1255X
IN KOKOMO, HOWARD COUNTY, IN	)	

COMBINED DRAFT OF ENVIRONMENTAL AND HISTORIC REPORT

PRELIMINARY STATEMENT

A Combined Draft of Environmental and Historic Report (CEHR) in relation to the rail line involved in this proceeding was circulated to potentially interested State and local agencies when abandonment of the line was authorized in 2009. *See Central RR Co. of Indianapolis -- Abandonment Exemption -- in Howard County, IN*, 2009 WL 824740 (STB Docket No. AB-511 [Sub-No. 4X], notice served March 30, 2009). Winamac Southern Railway Company (WSRY) and US Rail Holdings, LLC (USRH) acquired the rail line jointly at that time pursuant to offer-of-financial-assistance (OFA) provisions in 49 U.S.C. § 10904. *Id.*, 2009 WL 1630589 (decision served June 11, 2009). There was no contention by any State or local governmental agency at that time that abandonment of the rail line would have an adverse effect on any element of the human environment or historical resources. Inasmuch as no rail traffic has been transported over the rail line in the intervening 8 years to date, it can be expected that abandonment of the rail line at present would not have an adverse environmental or historic effect.

ENVIRONMENTAL REPORT

(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.

WINAMAC SOUTHERN RAILWAY COMPANY (WSRY) and US RAIL HOLDINGS, LLC (USRH) propose to abandon the rail line that they jointly own between Milepost No. 181.26 at the west right-of-way line of Webster Street and Milepost No. 183.64, the end of track, at the south right-of-way line of Defenbaugh Street, a distance of 2.38 miles in Kokomo, Howard County, IN (commonly known as the Russiaville Line). If the abandonment is approved, WSRY and USRH intend to convey the right-of-way of the Russiaville Line to the City of Kokomo for railbanking and interim recreational trail use under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29.

Abandonment of the Russiaville Line will result in the removal of the rail, crossties and possibly the upper layer of ballast. WSRY and USRH do not intend to disturb any sub grade or sub grade structures. Removal of the Russiaville Line will result in the elimination of 18 public road crossings and 3 private crossings located on the Line.

There has been no traffic on the Russiaville Line for over 2 years. The only alternative to an abandonment would be for WSRY and USRH not to abandon the line. No service has been provided on the Line since September, 2006. The Russiaville Line is located in an area of little economic growth, where industrial development is unlikely to occur. With little, if any, potential traffic, WSRY and USRH have decided to seek abandonment of the Line.

A map of the Russiaville Line shaded in yellow is attached hereto as Appendix 1.

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

No passenger traffic will be diverted to other modes as a result of the proposed abandonment. No traffic moved over the Russiaville Line since at least 2006. There is no freight traffic to be diverted to motor carrier. Accordingly, the proposed abandonment should have no adverse effects on regional or local transportation systems and patterns.

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

(i) WSRV and USRH consider the proposed abandonment to be consistent with existing land use plans.

WSRV and USRH are consulting with the City of Kokomo and the County of Howard, IN, by letters dated June 16, 2017. *See* Appendix 2. The City of Kokomo intends to acquire the right-of-way of the Russiaville Line for railbanking and interim recreational trail use. A copy of this CEHR has been mailed to the appropriate local and state agencies for their information and further comment.

(ii) WSRV and USRH do not believe that there is any prime agricultural land that will be affected. The Russiaville Line traverses urban property. WSRV and USRH have notified the United States Department of Agricultural (“USDA”) Natural Resources Conservation Service (the agency succeeding to the responsibilities of the Soil Conservation Service) of the proposed

abandonment by letter dated June 16, 2017, and requested assistance in identifying any potential effects on prime agricultural land. *See* Appendix 2.

(iii) The line segments do not pass through a designated coastal zone.

(iv) WSRV and USRH believe that the Russiaville Line may be suitable for interim trail use/rail banking based on The City of Kokomo's recreational master plan which identifies the Line as a key connective component between downtown and the outskirts of the community.

(4) Energy. (i) Describe the effect of the proposed action on transportation of energy resources; (ii) Describe the effect of the proposed action on recyclable commodities; (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why; (iv) If the proposed action will cause diversions from rail to motor carriage of more than (A) 1,000 rail carloads a year, or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

(i) The proposed abandonment will have no effect on the transportation of energy resources.

(ii) The proposed abandonment will have no effect on the transportation of recyclable commodities.

(iii) The proposed abandonment will have no effect on overall energy efficiency.

(iv) The proposed abandonment will not cause the diversion of more than 1,000 rail carloads a year, or an average of 50 rail carloads per mile per year of rail traffic to motor carriage.

(5) Air. (i) If the proposed action will result in either: (A) An increase in rail traffic of at least 100 percent (measured in gross 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. For a proposal under 49 U.S.C. 10901 (or 10502) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in subsection (5)(i)(A) will apply. (ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either: (A) An

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

(i) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(ii) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(iii) The proposed abandonment will not affect the transportation of ozone depleting materials.

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

Not applicable

(7) Safety (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings). (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials. (iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials

spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

(i) The proposed abandonment will have no detrimental effects on public health and safety. WSRH and USRH will cease operating over the line segments. As a result of the abandonment, WSRH and USRH will remove 18 public road crossings and 3 private crossings.

(ii) The proposed abandonment will not affect the transportation of hazardous materials.

(iii) WSRH and USRH are not aware of any known hazardous waste sites or sites where there have been known hazardous materials spills on the Russiaville Line.

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

(i) WSRH and USRH do not believe that the proposed action is likely to adversely affect endangered and threatened species or areas designated as a critical habitat. WSRH and USRH notified the U.S. Fish and Wildlife Service ("USF&W") of the proposed abandonment by letter dated June 16, 2017, and requested assistance in determining whether the proposed abandonment will adversely affect endangered or threatened species or areas designated as a critical habitat. See Appendix 2. A copy of this CEHR was supplied to the USF&W for its information and further comment. When a CEHR was sent to USF&W in connection with a prior abandonment proposed in 2009, USF&W stated that the Russiaville Line is in the range of federally endangered Indiana Bat, but USF&W concurred that abandonment of the Line would not adversely affect the Indiana Bat.

(ii) WSRV and USRH are unaware of any wildlife sanctuaries or refugees, National or State parks or forests that would be adversely affected by the proposed abandonment.

WSRV and USRH notified the National Parks Service of the proposed abandonment by letter dated June 16, 2017, and requested assistance in identifying any potential effects on wildlife sanctuaries or refugees, National or State parks or forests. *See* Appendix 2. A copy of this CEHR has been supplied to the National Park Service for its information and comment.

(9) Water. (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies. (ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects. (iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

(i) WSRV and USRH are confident that the proposed abandonment will be consistent with applicable water quality standards. WSRV and USRH contacted the Indiana Department of Environmental Management (“INDEM”) and the United States Environmental Protection Agency (“USEPA”) by letters dated June 16, 2017. *See* Appendix 2. A copy of this CEHR has been supplied to the INDEM and USEPA for their information and comment.

(ii) WSRV and USRH believe that no permits under Section 404 of the Clean Water Act are required for the proposed abandonment and that no designated wetlands or 100-year flood plains will be affected by the proposed abandonment. Upon receiving abandonment authority, removal of material will be accompanied by use of the right-of-way for access, along with existing public and private crossings. No new access roads are contemplated. WSRV and USRH do not intend to disturb any of the underlying roadbed or perform any activities that

would cause sedimentation or erosion of the soil, and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the line segments and will not be discarded along the right-of-way nor be placed or left in streams or wetlands, or along the banks of such waterways. Based on this course of action, WSRY and USRH do not believe a permit under Section 404 of the Clean Water Act will be required.

WSRY and USRH contacted the U.S. Army Corps of Engineers by letter dated June 16, 2017. *See Appendix 2.* A copy of this CEHR has been supplied to the U.S. Army Corps of Engineers for its information and comment.

(iii) WSRY and USRH believe that no permit under Section 402 of the Clean Water Act would be required for the abandonment. WSRY and USRH contacted the INDEM and the USEPA by letter dated June 16, 2017. *See Appendix 2.* A copy of this CEHR has been supplied to the INDEM and USEPA for their information and further comment.

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

WSRY and USRH do not expect any adverse environmental impact from the proposed abandonment and, therefore, see no need for any additional mitigating actions. WSRY and USRH will, of course, adhere to any remedial actions suggested by the recipients of this CEHR, which are required by the Board.

HISTORIC REPORT

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

A U.S. Geological Survey Map is attached to this CEHR as Appendix 3.

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

The 2.38 mile Russiaville Rail Line right-of-way varies in width. From milepost 181.26 to milepost 182 the line segment ranges from 12 feet wide to 66 feet wide, from milepost 182 to milepost 183 it ranges from 66 feet wide to 50 feet wide, and from milepost 183 to milepost 183.64 it ranges from 100 feet wide to 66 feet wide. The line segment consists of 22 acres of land. The line segment begins at milepost 183.64 where it crosses over W. Defenbaugh Street and runs northeast crossing Wildcat Creek at milepost 183.09. Continuing northeast, the line segment crosses W. Markland Street and runs parallel to Shambaugh Run. The line segment continues northeast, crossing W. Sycamore Street and W. Jefferson Street and terminates at milepost 181.26, at or about Webster Street.

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

A photograph of the only bridge on the Line that is 50 years old or older is attached as Appendix 4. The bridge over Wildcat Creek at milepost 183.09 on the Russiaville Line is an open deck plate girder bridge. There is nothing of historical significance in regard to the Wildcat Creek bridge.

(4) The date(s) of construction of the structure(s), and the date(s) and extent of any

major alterations, to the extent such information is known;

Not known.

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

The Russiaville Line was part of a main line of Norfolk Southern Railway Company ("NS"). Central Railroad Company of Indianapolis ("CERA") leased that Line from Norfolk and Western Railway Company ("N&W") in 1989 and purchased the Line from NS in 2002. In 2009, CERA obtained an exemption from the Board for abandonment of the Russiaville Line and another rail line in Kokomo, IN. Thereafter, WSRV and USRH jointly filed an offer of financial assistance (OFA) to purchase the Russiaville Line and the other rail line in Kokomo. In a decision served on June 11, 2009, the Board authorized WSRV and USRH jointly to acquire the Russiaville Line pursuant to an agreement with CERA reached during the OFA process.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic;

WSRV and USRH are not aware of any documentation in its possession.

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

WSRV and USRH believe that the bridge on the Line is not unusual or noteworthy for inclusion on the National Register of Historic Places. It is also their opinion that there are no archeological resources or other railroad related historic properties in the project area. WSRV

and USRH are agreeable to converting the line segments to interim trail use/railbanking. WSRV and USRH do not plan to alter, remove or dispose of the bridge that is on the Line.

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

WSRV and USRH believe that there are no existing records as to the nature of any known subsurface ground disturbance or fill, or environmental conditions that might affect the archeological recovery of any potential resources.

(9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the location and type of the site (i.e., prehistoric or native American).

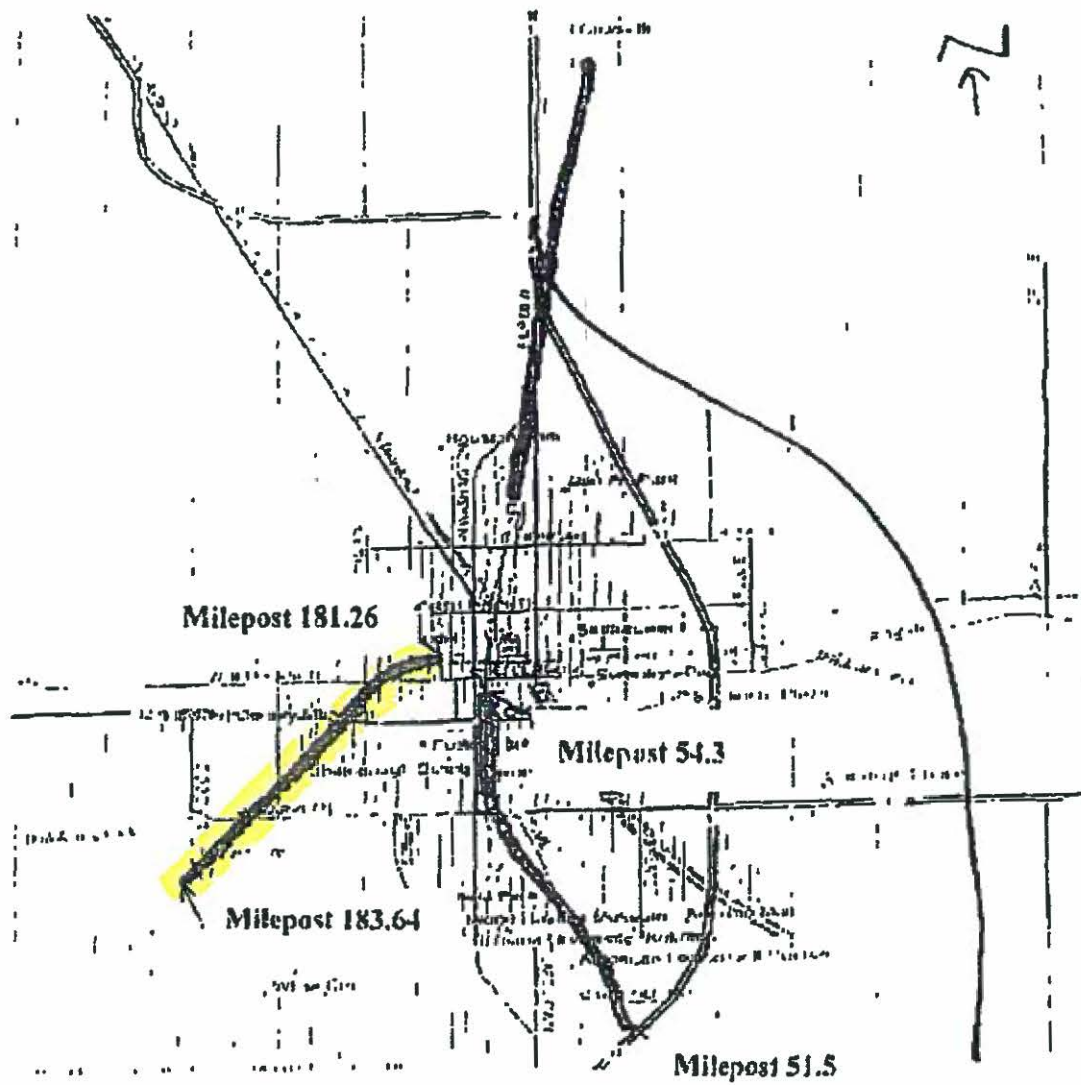
WSRV and USRH do not foresee the likelihood that any additional information will need to be supplied in association with the proposed abandonment other than that information previously submitted. But, if any additional information is requested, WSRV and USRH will promptly supply the necessary information.

WSRV and USRH contacted the Indiana Department of Natural Resources, Division of Historic Preservation and Archeology ("INDNR"). See Appendix 2. A copy of this CEHR has been mailed to INDNR.

**DOCKET NOS.
AB-1254X &
AB-1255X**

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APPENDIX 1 - MAP



**DOCKET NOS.
AB-1254X &
AB-1255X**

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APPENDIX 2 - CONSULTATION LETTER

LAW OFFICE
THOMAS F. MCFARLAND, P.C.
208 SOUTH LASALLE STREET - SUITE 1666
CHICAGO, ILLINOIS 60604-1228
TELEPHONE (312) 236-0204
mcfarland@aol.com

THOMAS F. MCFARLAND

June 16, 2017

By first-class, U.S. mail

State Clearinghouse

Indiana Department of Transportation
Railroad Section
100 N. Senate Avenue 1GC-N
Room N901
Indianapolis, IN 46204

County Commissioners:

Howard County Commissioners
Howard County Admin. Center
220 N. Main St.
Kokomo, IN 46901

Coastal Zone Management

Indiana Dept. of Natural Resources
Division of Water
402 West Washington Street, Room W246
Indianapolis, IN 46204

U.S. Fish & Wildlife Service:

U.S. Fish & Wildlife Service - Region 3
5600 American Boulevard West, 10th Floor
Bloomington, MN 55437-1173

Natural Resources Conservation Service:

Natural Resources Conservation Service
USDA
6013 Lakeside Boulevard
Indianapolis, IN 46278

National Geodetic Survey:

Indiana State Geodetic Coordinator
Professor Boudewijn H.W. van Gelder
School of Civil Engineering, Purdue University
550 Stadium Mall Drive
West Lafayette, IN 47907-2051

State Environmental Protection Agency

Indiana Department of Environmental
Management
Indiana Government Center
100 N. Senate Avenue
Indianapolis, IN 46206-6015

Kokomo Mayor:

Honorable Greg Goodnight
Mayor Kokomo
100 South Union Street
Kokomo, IN 46901

Indiana Historical Preservation Office:

Indiana Dept. of Natural Resources
Division of Historic Preservation & Archeology
402 West Washington Street
Indiana Government Center South, Room W256
Indianapolis, IN 46204

U.S. Army Corps of Engineers

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

National Park Service:

Planning and Compliance Office
National Park Service - Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

National Geodetic Survey:

Great Lakes Division Coordinator
John T. Ellingson, NOAA
N6080 Kenyon Rd
Black River Falls, WI 54615

Re: STB Docket Nos. AB-1254X and AB-1255X, *Winamac Southern Railway Company and US Rail Holdings, LLC -- Abandonment Exemption -- in Kokomo, Howard County, IN*

June 16, 2017

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Dear Agency or Governmental Representative:

Winamac Southern Railway Company ("WSRY") and US Rail Holdings, LLC ("USRH") are common carriers by railroad whose addresses are, for WSRY: P.O. Box 745, Kokomo, IN 46901, and for USRH: 7846 West Central Avenue, Toledo, OH 43617. In the near future, WSRY and USRH intend to file with the Surface Transportation Board (STB) a Notice of Exemption from 49 U.S.C. § 10502(a) for abandonment of the rail line that they jointly own between Milepost No. 181.26 at the west right-of-way line of Webster Street and Milepost No. 183.64, the end of track, at the south right-of-way line of Defenbaugh Street, a distance of 2.38 miles in Kokomo, Howard County, IN (commonly known as the Russiaville Line). If the abandonment is approved, WSRY and USRH intend to convey the right-of-way of the Russiaville Line to the City of Kokomo for railbanking and interim recreational trail use under 16 U.S.C. § 1247(d). The Russiaville Line is shaded in yellow on a map that is attached to this letter as Appendix 1.

Before filing a Notice of Exemption for abandonment of the Russiaville Line, WSRY and USRH are required to prepare and circulate to appropriate local government agencies a Draft Environmental and Historic Report that will be reviewed by the STB in conjunction with its determination of whether or not the proposed abandonment would have a significant adverse effect on the human environment or on historic resources. This letter is intended to consult with your agency in regard to the environmental and historic effects of the proposed abandonment.

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

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

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

US FISH AND WILDLIFE SERVICE. Please state (1) whether the proposed abandonment is likely to adversely affect endangered or threatened species or areas designated as

June 16, 2017

Page 3

a critical habitat and, if so, please describe such effects; and (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected and, if so, please describe such effects.

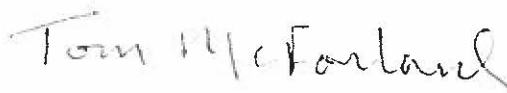
STATE WATER QUALITY OFFICIALS. Please state whether the proposed abandonment would be consistent with applicable Federal, State or Local water quality standards. Please describe any inconsistencies.

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

STATE HISTORICAL PRESERVATION OFFICE. Please identify any bridges on the Russiaville Line that are historically significant. The Russiaville Line was part of a main line of Norfolk Southern Railway Company ("NS"). Central Railroad Company of Indianapolis ("CERA") leased that Line from Norfolk and Western Railway Company ("N&W") in 1989 and purchased the Line from NS in 2002. WSRV and USRH purchased the Russiaville Line from CERA in 2009.

Please send your reply to me as WSRV's and USRH's attorney to: Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1666, Chicago, IL 60604-1228. You may reach me by telephone at (312) 236-0204 if you have any questions or need further information. WSRV and USRH appreciate your assistance in furnishing a reply to this letter.

Very truly yours,



Thomas F. McFarland
Attorney for WSRV and USRH

THOMAS E. MCFARLAND

June 16, 2017

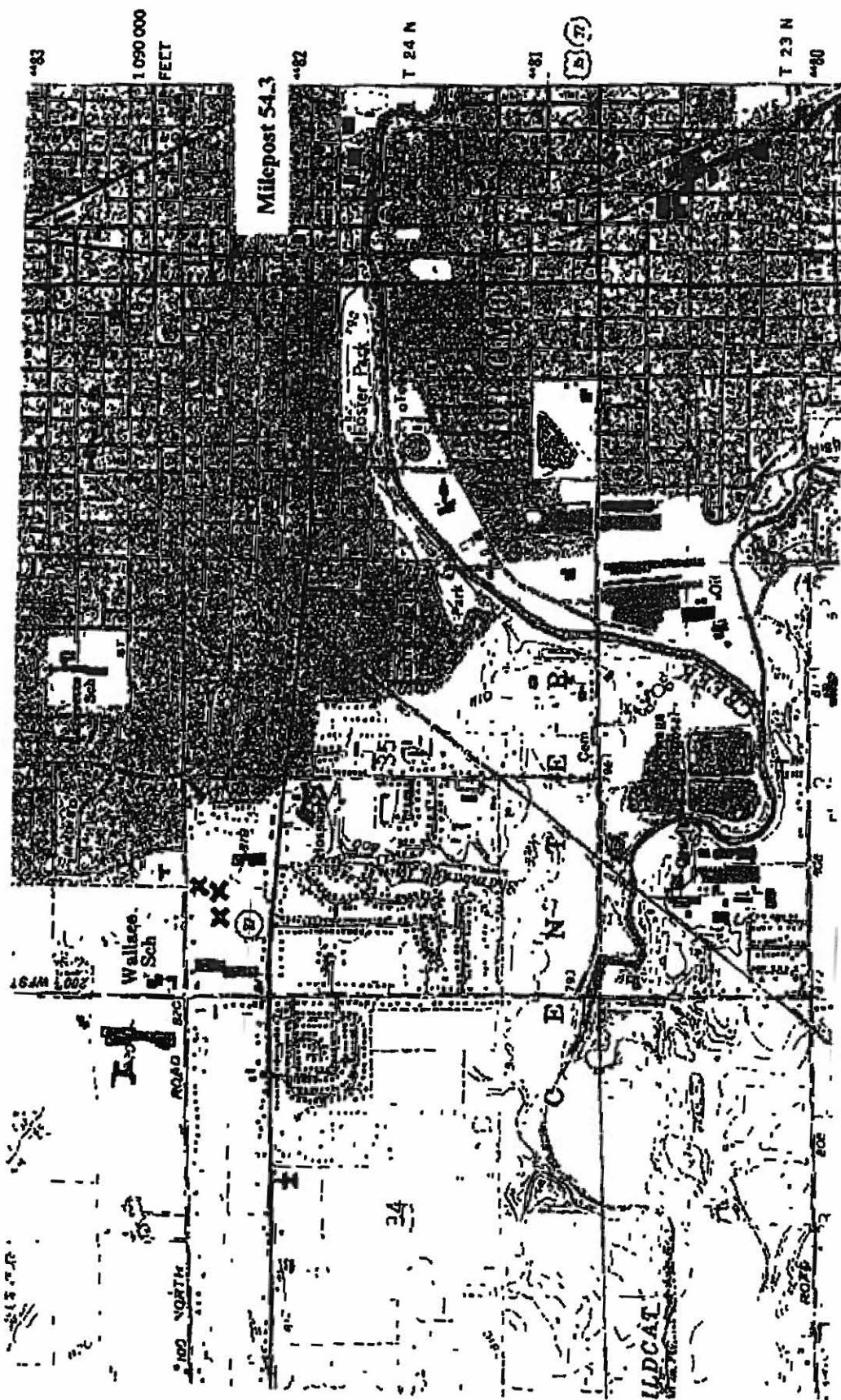
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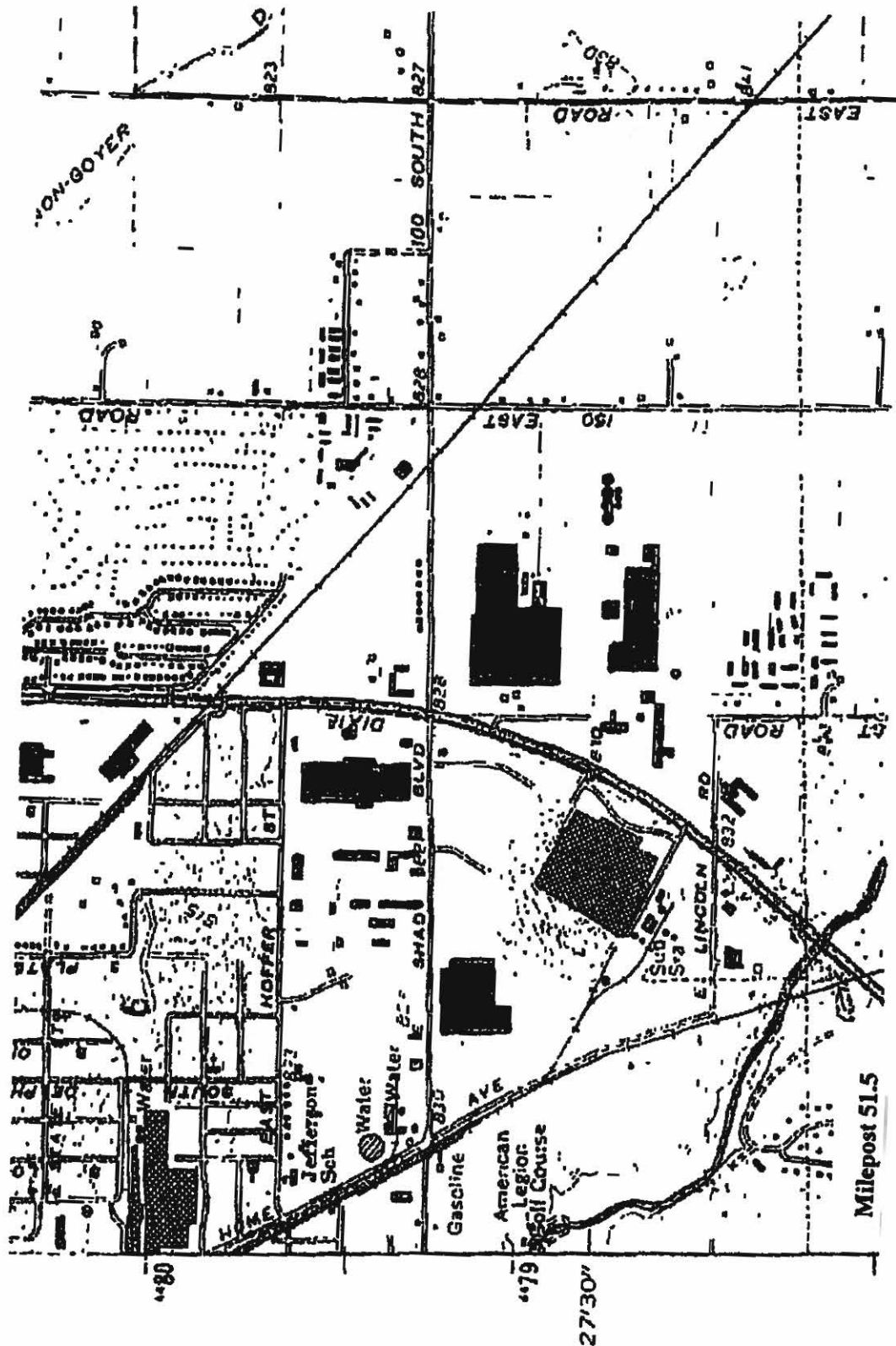
cc: Mr. Gabe Hall, *by e-mail*
Mr. Brad Ortman, *by e-mail*
Mr. Scot Ortman, *by e-mail*
Mr. John Sigler, *by e-mail*

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APPENDIX 3 - TOPOGRAPHIC MAPS





**DOCKET NOS.
AB-1254X &
AB-1255X**

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APPENDIX 4 - BRIDGE PHOTOGRAPH



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 Nos. AB-1254X and AB-1255X was mailed via first class mail on June 16, 2017 to the following parties:

State Clearinghouse

Indiana Department of Transportation
Railroad Section
100 N. Senate Avenue 1GC-N
Room N901
Indianapolis, IN 46204

County Commissioners:

Howard County Commissioners
Howard County Admin. Center
220 N. Main St.
Kokomo, IN 46901

Coastal Zone Management

Indiana Dept. of Natural Resources
Division of Water
402 West Washington Street, Room W246
Indianapolis, IN 46204

U.S. Fish & Wildlife Service:

U.S. Fish & Wildlife Service - Region 3
5600 American Boulevard West, 10th Floor
Bloomington, MN 55437-1173

Natural Resources Conservation Service:

Natural Resources Conservation Service
USDA
6013 Lakeside Boulevard
Indianapolis, IN 46278

National Geodetic Survey:

Indiana State Geodetic Coordinator
Professor Boudewijn H.W. van Gelder
School of Civil Engineering, Purdue University
550 Stadium Mall Drive
West Lafayette, IN 47907-2051

State Environmental Protection Agency

Indiana Department of Environmental
Management
Indiana Government Center
100 N. Senate Avenue
Indianapolis, IN 46206-6015

Kokomo Mayor:

Honorable Greg Goodnight
Mayor Kokomo
100 South Union Street
Kokomo, IN 46901

Indiana Historical Preservation Office:

Indiana Dept. of Natural Resources
Division of Historic Preservation & Archeology
402 West Washington Street
Indiana Government Center South, Room W256
Indianapolis, IN 46204

U.S. Army Corps of Engineers

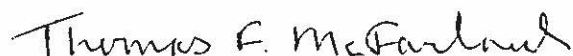
U.S. Army Corps of Engineers
Louisville District
P.O. Box 59
Louisville, KY 40201-0059

National Park Service:

Planning and Compliance Office
National Park Service - Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

National Geodetic Survey:

Great Lakes Division Coordinator
John T. Ellingson, NOAA
N6080 Kenyon Rd
Black River Falls, WI 54615



Thomas F. McFarland

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

STB Docket Nos. AB-1254X and AB-1255X

**WINAMAC SOUTHERN RAILWAY COMPANY
AND US RAIL HOLDINGS, LLC
--ABANDONMENT EXEMPTION --
IN KOKOMO, HOWARD COUNTY, INDIANA**

JOINT NOTICE OF INTENT TO ABANDON RAIL SERVICE

Winamac Southern Railway Company ("WSRY") and US Rail Holdings, LLC ("USRH") give notice that on or about July 6, 2017, they intend to file with the Surface Transportation Board ("Board"), Washington, DC 20423, a Joint Notice of Exemption under 49 C.F.R. 1152 Subpart F - Exempt Abandonments permitting the abandonment of a 2.38 mile line of railroad between Milepost No. 181.26 at the west right-of-way line of Webster Street and Milepost No. 183.64, the end of track, at the south right-of-way line of Defenbaugh Street, in Kokomo, Howard County, Indiana, commonly known as the Russiaville Line. The Russiaville Line traverses USPS Zip Code 46901. These proceedings are docketed as STB Docket Nos. AB-1254X and AB-1255X, *Winamac Southern Railway Company and US Rail Holdings, LLC -- Abandonment Exemption -- in Howard County, IN*.

The Board's Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, DC 20423 or by calling that office at 202-927-6211.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Chief, Section of Administration, 395 E Street, S.W., Washington, DC 20423 [See 49 C.F.R. 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 C.F.R. 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services at 202-245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative: Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1666, Chicago, IL 60604-1228, phone 312-236-0204.