

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO. AB-1247 (Sub-No. 0X)

**BUCKEYE EAST CHICAGO RAILROAD LLC –
ABANDONMENT EXEMPTION –
IN LAKE COUNTY, INDIANA**

STB DOCKET NO. AB-1248 (Sub-No. 0X)

**LANDISVILLE RAILROAD, LLC –
ABANDONMENT EXEMPTION –
IN LAKE COUNTY, INDIANA**

JOINT PETITION FOR EXEMPTION

244424

244425

ENTERED
Office of Proceedings
September 27, 2017
Part of
Public Record

CHARLES A. SPITULNIK
STEVEN L. OSIT
Kaplan Kirsch & Rockwell LLP
1001 Connecticut Avenue, NW
Suite 800
Washington, DC 20036
(202) 955-5600
Email: cspitulnik@kaplankirsch.com
sosit@kaplankirsch.com

*Counsel for the Buckeye East Chicago
Railroad LLC*

ERIC M. HOCKY
Clark Hill PLC
One Commerce Square
2005 Market Street
Suite 1000
Philadelphia, PA 19102
(215) 640-8500
Email: ehocky@clarkhill.com

Counsel for the Landisville Railroad, LLC

Dated: September 27, 2017

FILED
September 27, 2017
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
September 27, 2017
SURFACE
TRANSPORTATION BOARD

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO. AB-1247 (Sub-No. 0X)

**BUCKEYE EAST CHICAGO RAILROAD LLC –
ABANDONMENT EXEMPTION –
IN LAKE COUNTY, INDIANA**

STB DOCKET NO. AB-1248 (Sub-No. 0X)

**LANDISVILLE RAILROAD, LLC –
DISCONTINUANCE EXEMPTION –
IN LAKE COUNTY, INDIANA**

JOINT PETITION FOR EXEMPTION

Landisville Railroad, LLC (“Landisville”) and Buckeye East Chicago Railroad LLC (“BECR”) jointly petition the Surface Transportation Board (the “Board”) for an exemption from the prior approval requirements of 49 U.S.C. § 10903 to discontinue and abandon, respectively, approximately 1.34 miles of rail line located within the East Chicago Transload Facility (the “Facility”) in East Chicago, Lake County, Indiana, traversing United States Postal Service ZIP Code 46312 (the “Line”). The Line does not include stations other than the Facility, and does not have milepost designations. Buckeye Terminals, LLC, is the only shipper over the Line, over which Landisville exclusively provides transloading and interchange services on behalf of BECR to a connection with the Indiana Harbor Belt Railroad (“IHBR”). Upon consummation of the proposed transaction, IHBR will continue to pick up and deliver traffic to the Facility as a common carrier. Buckeye Terminals, which will be BECR’s successor as owner of the Line, or Landisville, as a private contract operator to Buckeye Terminals, will move cars around the

proprietary Facility and provide the transload services solely for the internal use of Buckeye Terminals. Accordingly, the proposed transaction is of limited scope, and its regulation is not necessary to carry out the rail transportation policy or to protect shippers from the abuse of market power. The Board should accordingly grant this Joint Petition for Exemption.

MAPS AND EXHIBITS

In accordance with Board regulations and procedures, the following documents have been attached to this Petition for Exemption:

- Exhibit A: A map of the Line proposed for abandonment.
- Exhibit B: Draft *Federal Register* notice.
- Exhibit C: Certification of compliance with 49 C.F.R. §§ 1105.11, 1105.12 & 1152.60(d).
- Exhibit D: Environmental and Historic Report, conforming to 49 C.F.R. § 1105.7.

FACTUAL BACKGROUND

In December 2012, BECR, then a non-carrier, obtained authority from the Board to acquire the Line and bulk transloading facilities from Buckeye Terminals, a non-carrier, and to operate over the Line in interchanging ethanol and related liquid product tank cars with the IHBR. *See Buckeye East Chicago R.R., LLC – Acquisition and Operation Exemption – Buckeye Partners, L.P.*, STB Finance Docket No. 35698 (Service Date Nov. 30, 2012).¹ Landisville, an existing Class III carrier, obtained authority to operate as a common carrier over the Line in January 2013. *See Landisville R.R., LLC – Operation Exemption – Buckeye East Chicago R.R.*, STB Finance Docket No. 35702 (Service Date Dec. 21, 2012). Buckeye Terminals, the operator of the Facility, has been the only shipper on the Line. *See Buckeye East Chicago R.R., LLC –*

¹ BECR and Buckeye Terminals are both indirect wholly owned subsidiaries of Buckeye Partners, L.P. The previous proceedings before the Board stated that BECR acquired the Line from its parent company, Buckeye Partners. However, BECR acquired the Line and associated assets from Buckeye Terminals and, through this proceeding, seeks to transfer the Line and associated assets back to Buckeye Terminals.

Acquisition and Operation Exemption – Buckeye Partners, L.P., STB Finance Docket No. 35698, at 3 (Filed Nov. 16, 2012). In its notice of exemption to acquire and operate the Line, BECR anticipated adding additional customers to the Facility. *Id.* Today, however, Buckeye Terminals remains the only shipper on the Line, and no other customers have requested common carrier service from either BECR or Landisville. The Line is stub-ended, and may not therefore accommodate overhead traffic. Based on information in BECR's and Buckeye Terminals possession, the Line does not contain federally granted right-of-way. Any documentation in their possession will be made available promptly to those requesting it.

For various business reasons, BECR seeks to transfer its interest in the transloading facility and associated trackage to Buckeye Terminals, dissolve as a business entity and, through this Petition, extinguish its common carrier obligation. Landisville is willing to accommodate the abandonment of the Line by seeking discontinuance of its common carrier operating rights over the Line. Buckeye Terminals would continue to receive common carrier service from IHBR, and to receive and deliver traffic to IHBR at the Facility, but would do so over private track that would no longer be subject to this Board's jurisdiction.

ARGUMENT

Pursuant to 49 U.S.C. § 10502(a), the Board must exempt a proposed transaction from regulation where (1) regulation is not necessary to carry out the rail transportation policy, and (2) the transaction is either (a) of limited scope, or (b) regulation is not necessary to protect shippers from the abuse of market power. Landisville's and BECR's proposed transaction satisfies these criteria.

A. Regulation is Not Necessary to Carry Out the Rail Transportation Policy, and Exemption will Further the Rail Transportation Policy

Under the circumstances discussed above, requiring Landisville and BECR to submit a complete application under the prior approval requirements of 49 U.S.C. § 10903 would not further the objectives of the national rail transportation policy. While the abandonment of a rail line may often implicate the Board's obligation "to ensure the . . . continuation of a sound rail transportation system with effective competition among rail carriers and with other modes, to meet the needs of the public and the national defense," 49 U.S.C. 10901(4), here it does not. Buckeye Terminals is the only shipper on the Line, and, after consummation of the proposed transaction, it will continue transload and interchange operations at the Facility by having Landisville act as a private contract operator. The Facility will continue to receive common carrier service from IHBR. Neither Buckeye Terminals, nor any other shipper (because there are none) will therefore be deprived of rail service. Because Buckeye Terminals is the only shipper on the stub-ended Line, regulation of the proposed transaction is also not necessary to "ensure effective competition and coordination between rail carriers and other modes," 49 U.S.C. § 10901(5) or "to prohibit predatory pricing and practices, to avoid undue concentrations of market power, and to prohibit unlawful discrimination," 49 U.S.C. § 10901(12).

Moreover, exemption of the proposed transaction from the prior approval requirements of 49 U.S.C. § 10903 will further the objectives of the Rail Transportation Policy. The Board is directed to "minimize the need for Federal regulatory control over the rail transportation system, 49 U.S.C. § 10901(2), "reduce regulatory barriers to . . . exit from the industry," 49 U.S.C. § 10901(7), and "to provide for the expeditious handling and resolution of all proceedings required or permitted to be brought under this part," 49 U.S.C. § 10901(15). Granting

Landisville's and BECR's Petition will fulfill these policy objectives, as the proposed transaction is consistent with the Rail Transportation Policy and the interest of the sole shipper on the Line.

Accordingly, the proposed transaction fulfills the first statutory requirement: regulation is not necessary to carry out the rail transportation policy. *See* 49 U.S.C. § 10502(a)(1).

B. The Proposed Abandonment Is of Limited Scope, and Regulation of the Abandonment is Not Necessary to Protect Shippers from Market Power Abuse

The proposed transaction also satisfies each of the alternative, second statutory requirements. First, the proposed transaction is of limited scope. *See* 49 U.S.C. § 10502(a)(2)(A). BECR proposes to abandon, and Landisville to discontinue, only 1.34 miles of rail line, all of which is located within the Facility. Additionally, regulation of the proposed transaction is clearly unnecessary to protect shippers from market power abuse. *See* 49 U.S.C. § 10502(a)(2)(B). Buckeye Terminals is the only shipper on the Line, and following consummation of the proposed transaction, it will remain the only shipper, receiving common carrier rail service from IHBR as necessary. Buckeye Partners, as the parent of both BECR and Buckeye Terminals, has consented to and supports the proposed abandonment and discontinuance transaction.

LABOR PROTECTIVE CONDITIONS

Because Landisville will continue to provide services at the Facility, albeit as a private contract operator and not a common carrier, there are not expected to be any adverse effects on employees. However, Landisville recognizes that any of its employees who may be adversely affected by the proposed abandonment and discontinuance will be protected by the labor protective conditions in *Oregon Short Line R.R. Co. – Abandonment – Goshen*, 360 I.C.C. 91 (1979). BECR has no employees.

ENVIRONMENTAL AND HISTORIC IMPACTS REVIEW

Pursuant to Board regulations, Landisville and BECR have prepared an Environmental and Historic Report conforming to 49 C.F.R. §§ 1105.7 & 1105.8.² The Report is attached as Exhibit D.

PUBLIC USE AND INTERIM TRAILS USE CONDITIONS AND OFFERS OF FINANCIAL ASSISTANCE

As discussed above, BECR seeks to abandon the Line in order to facilitate its own dissolution as a business entity and the transfer of land and fixed assets back to Buckeye Terminals for its continued use as the sole shipper. Buckeye Terminals will continue to use the Facility for transloading operations, and no public use is appropriate. BECR and Buckeye Terminals would therefore object to the imposition of a public use condition pursuant to 49 C.F.R. § 1152.28 and be unwilling to negotiate interim trail uses. These alternative use procedures are inconsistent with the purpose of the Petition.³

Given that Buckeye Terminals as the only shipper on the Line has indicated that it does not want or require common carrier service on the Line, it would not be appropriate to allow an offer of financial assistance (“OFA”). If the Board were to allow an OFA, BECR requests that the Board require any person seeking to file an OFA to also provide evidence that there is some shipper other than Buckeye Terminals that would make use of common carrier service on the

² An environmental and historic report is not required in connection with Landisville’s discontinuance. See 49 C.F.R. §1105.6(c) and §1105.8(b). See also *Blacklands Railroad, Inc. – Discontinuance Exemption – In Rusk County, Tex.*, STB Docket No. AB 1108X (Served April 3, 2013); *CSX Transportation, Inc. – Discontinuance of Service Exemption - In Raleigh County, W. Va.*, STB Docket No. AB 55 (Sub-No. 725X) (served September 11, 2012); *Norfolk Southern Railway Company – Discontinuance of Service Exemption – In St. Joseph and LaPorte Counties, IN*, STB Docket No. AB-290 (Sub-No. 307X) (served June 18, 2008).

³ Landisville does not have an ownership interest in the Line, and does not have a say in any future disposition of the Line. Moreover, public use and trail use conditions are not applicable to discontinuance proceedings. See the cases cited in footnote 2 above.

Line, consistent with Board precedent and recently adopted modifications to the OFA procedure. *See* 49 C.F.R. § 1152.27(c)(1)(iv)(E); *CSX Transp. – Abandonment Exemption – in Washington Cnty., Md.*, STB Docket No. AB-33 (Sub-No.727-X) (Service Date Oct. 24, 2013).

CONCLUSION

The proposed transaction is of limited scope, and its regulation is not necessary to carry out the rail transportation policy or to protect shippers from the abuse of market power. The Board should accordingly grant BECR's and Landisville's Petition for Exemption.

Respectfully submitted,



CHARLES A. SPITULNIK
STEVEN L. OSIT
Kaplan Kirsch & Rockwell LLP
1001 Connecticut Avenue, NW
Suite 800
Washington, DC 20036
(202) 955-5600
Email: cspitulnik@kaplankirsch.com
sosit@kaplankirsch.com

*Counsel for the Buckeye East Chicago
Railroad LLC*

 FOR

ERIC M. HOCKY
Clark Hill PLC
One Commerce Square
2005 Market Street
Suite 1000
Philadelphia, PA 19102
(215) 640-8523
Email: ehocky@clarkhill.com

Counsel for the Landisville Railroad, LLC

Dated: September 27, 2017

Certificate of Service

I hereby certify that on this 27th of September, 2017, I caused to be served a copy of the foregoing **Petition for Exemption** and accompanying exhibits by first class mail, postage prepaid, upon the following parties:

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

U.S. Department of Defense (SDDCTEA)
Railroads for the National Defense Program
One Soldier Way, Building 1900W
Scott AFB, IL 62225

National Park Service
Indiana Office
2179 Everett Road
Peninsula, OH 44264

U.S. Department of Agriculture
Chief of the Forest Service
Sidney R. Yates Federal Building
1400 Independence Avenue S.W.
Washington, D.C. 20250-0003



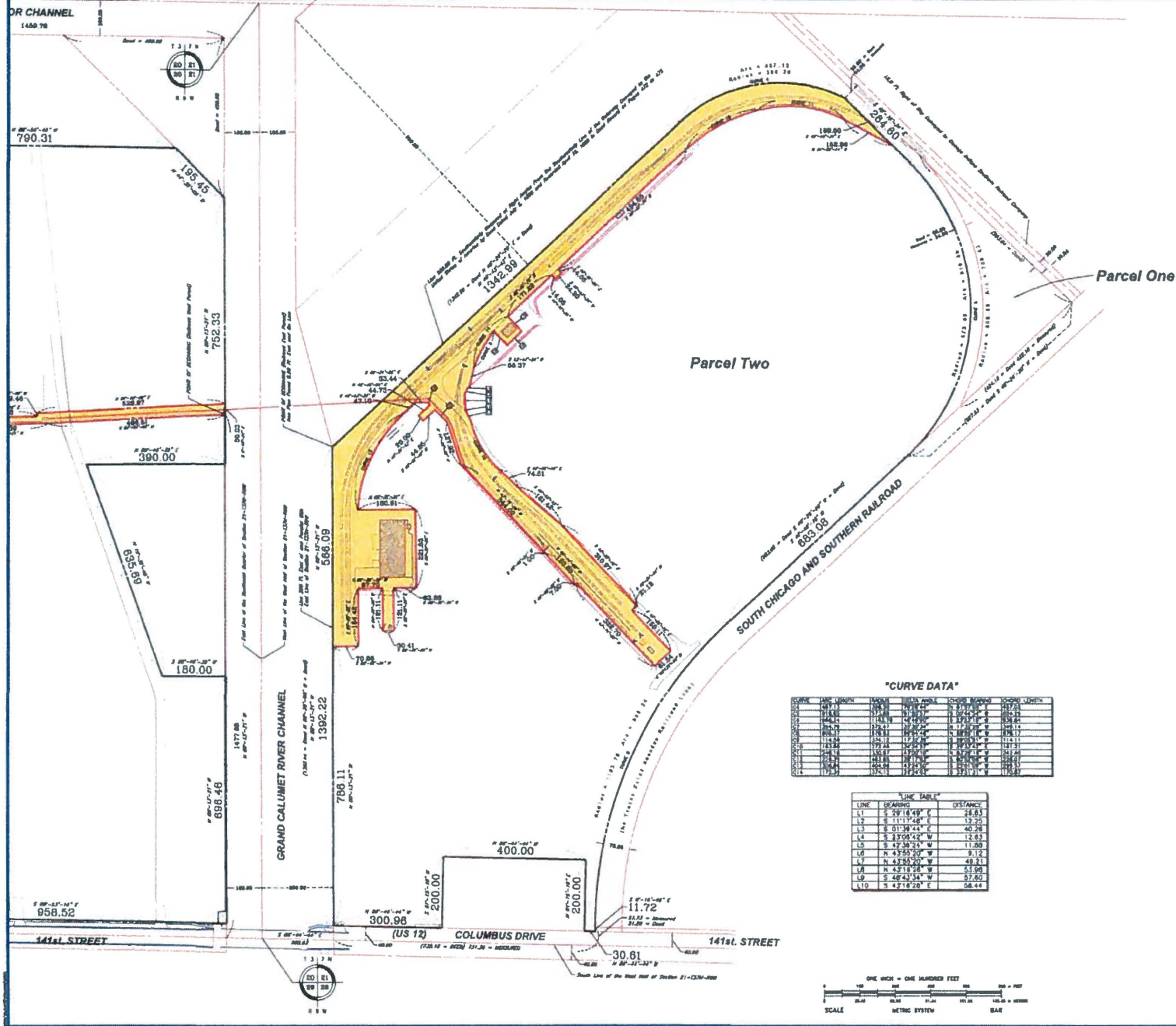
Steven L. Osit

Dated: September 27, 2017

Exhibit A

Map of the Line Proposed for Abandonment

PLAT OF SURVEY
 Prepared By
MARCHESE AND SONS, Inc.
 land - marine - construction surveys
 10 Union City
 Bensenville, Illinois 60175
 Phone: (630) 854-8882
 Fax: (630) 854-8888



"CURVE DATA"

LINE	BEARING	LENGTH	CHORD	CHORD BEARING	CHORD LENGTH
1	S 89°-45'-31" E	790.31	1342.89	S 89°-45'-31" E	1342.89
2	S 89°-45'-31" E	180.00	180.00	S 89°-45'-31" E	180.00
3	S 89°-45'-31" E	390.00	390.00	S 89°-45'-31" E	390.00
4	S 89°-45'-31" E	568.09	568.09	S 89°-45'-31" E	568.09
5	S 89°-45'-31" E	1392.22	1392.22	S 89°-45'-31" E	1392.22
6	S 89°-45'-31" E	796.11	796.11	S 89°-45'-31" E	796.11
7	S 89°-45'-31" E	400.00	400.00	S 89°-45'-31" E	400.00
8	S 89°-45'-31" E	300.96	300.96	S 89°-45'-31" E	300.96
9	S 89°-45'-31" E	200.00	200.00	S 89°-45'-31" E	200.00
10	S 89°-45'-31" E	200.00	200.00	S 89°-45'-31" E	200.00
11	S 89°-45'-31" E	11.72	11.72	S 89°-45'-31" E	11.72
12	S 89°-45'-31" E	30.81	30.81	S 89°-45'-31" E	30.81
13	S 89°-45'-31" E	11.72	11.72	S 89°-45'-31" E	11.72
14	S 89°-45'-31" E	30.81	30.81	S 89°-45'-31" E	30.81
15	S 89°-45'-31" E	11.72	11.72	S 89°-45'-31" E	11.72
16	S 89°-45'-31" E	30.81	30.81	S 89°-45'-31" E	30.81
17	S 89°-45'-31" E	11.72	11.72	S 89°-45'-31" E	11.72
18	S 89°-45'-31" E	30.81	30.81	S 89°-45'-31" E	30.81
19	S 89°-45'-31" E	11.72	11.72	S 89°-45'-31" E	11.72
20	S 89°-45'-31" E	30.81	30.81	S 89°-45'-31" E	30.81

LINE	BEARING	DISTANCE
1	S 89°-45'-31" E	28.83
2	S 89°-45'-31" E	12.25
3	S 89°-45'-31" E	40.28
4	S 89°-45'-31" E	12.63
5	S 89°-45'-31" E	11.88
6	S 89°-45'-31" E	8.12
7	S 89°-45'-31" E	48.21
8	S 89°-45'-31" E	23.98
9	S 89°-45'-31" E	51.60
10	S 89°-45'-31" E	58.44



SHEET: 1 OF 2
 KEY: 141st ST
 ADDRESS: 141st STREET, CHICAGO, ILLINOIS
 SCALE: ONE INCH = ONE HUNDRED FEET
 ORDER NO.: 12-15850
 ORDERED BY: MS. MARGIE LYNCH
 FOR BUCKEYE PARTNERS, LLC
 COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT ONCE
 REPORT ANY DIFFERENCES FOR BUILDING LINES AND OTHER
 MEASUREMENTS NOT SHOWN HEREON REFER TO YOUR CONTRACT
 USED: TITLE INSURANCE POLICY AND SHOWS ORDINANCE, BASIS OF
 BEARING SHOWN HEREON HAVE BEEN MEASURED, MONUMENTS OR
 WITHIN POINTS HAVE NOT MET AT THE CLIENT'S REQUEST.
 STATE OF ILLINOIS
 COUNTY OF DUPAGE
 I, PAUL R. MARCHESE, HEREBY CERTIFY THAT I HAVE SURVEYED THE
 ABOVE DESCRIBED PROPERTY AND THAT THIS PLAT (PERSON) IS
 A CORRECT REPRESENTATION OF THE SURVEY.
 DATED AT ROSELLE, OCTOBER 24, 2012
 SIGNATURE: [Signature]
 PAUL R. MARCHESE, LICENSED SURVEYOR NO. 12345
 IN ILLINOIS, LICENSED SURVEYOR SINCE 1998
 FIELD BOOKS: [Field Book]

Exhibit B

Draft *Federal Register* Notice

STB No. AB-1247 (Sub-No. 0X)

STB No. AB-1248 (Sub-No. 0X)

Notice of Joint Petition for Exemption to Discontinue and Abandon Service

On September 27, 2017, Landisville Railroad, LLC, and Buckeye East Chicago Railroad LLC filed with the Surface Transportation Board (the “Board”), Washington, D.C. 20423, a petition for exemption for the discontinuance and abandonment, respectively, of a 1.34-mile line of railroad known as the East Chicago Transload Facility (the “Facility”) trackage (the “Line”), at or near 400 East Columbus Drive in the City of East Chicago, Lake County, Indiana. The Line traverses United States Postal Service ZIP Code 46312. The Line for which the discontinuance and abandonment exemption request was filed does not include stations other than the Facility, and does not have milepost designations.

The line does not contain federally granted rights-of-way. Any documentation in the railroad’s possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the standard labor protective conditions set forth in *Oregon Short Line R. Co.*, 360 I.C.C. 91 (1979).

Any offer of financial assistance, if permitted by the Board, will be due no later than 10 days after service of a decision granting the petition for exemption.

All interested persons should be aware that following the discontinuance and abandonment of rail service, the line may be suitable for other public use, including interim trail use. However, Petitioners indicate that the line will continue to be used as private track and will not make the line available for public use.

Any request for a public use condition and any request for trail use/rail banking will be due no later than 20 days after notice of the filing of the petition for exemption is published in the Federal Register.

Persons seeking further information concerning discontinuance or abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis.

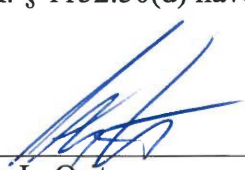
An environmental assessment (EA) prepared by the Section of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA may contact the Section of Environmental Analysis. EAs in abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Exhibit C

Certifications of Compliance

CERTIFICATION

I hereby certify: (1) in accordance with 49 C.F.R. § 1105.11, that the Environmental and Historic Report attached hereto as Exhibit D was sent to the appropriate agencies identified in 49 C.F.R. § 1105.7(b) and the appropriate State Historic Preservation Officer; in accordance with 49 C.F.R. § 1105.12, that notice of the intent to abandon rail service was published in the *Northwest Indiana Times* on September 15, 2017; in accordance with 49 C.F.R. § 1152.60(d), that the persons receiving notices of exemption under 49 C.F.R. § 1152.50(d) have been served with a copy of the foregoing petition and associated exhibits.



Steven L. Osit

Dated: September 27, 2017

Exhibit D

Environmental and Historic Report

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

STB DOCKET NO. AB-1247 (Sub-No. 0X)

**BUCKEYE EAST CHICAGO RAILROAD LLC –
ABANDONMENT EXEMPTION –
IN LAKE COUNTY, INDIANA**

STB DOCKET NO. AB-1248 (Sub-No. 0X)

**LANDISVILLE RAILROAD, LLC –
DISCONTINUANCE EXEMPTION –
IN LAKE COUNTY, INDIANA**

COMBINED ENVIRONMENTAL AND HISTORIC REPORT

Buckeye East Chicago Railroad LCC (“BECR”) and Landisville Railroad, LLC (“Landisville”) jointly submit this Combined Environmental and Historic Report pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d) for an abandonment of approximately 1.34 miles of rail line and bulk liquid transloading facilities (the “Line”) located within the East Chicago Transload Facility (the “Facility”) in East Chicago, Lake County, Indiana.¹ The Line traverses United States Postal Service ZIP Code 46312. The Line does not include stations other than the Facility, and does not have milepost designations.

¹ An environmental and historic report is not required in connection with Landisville’s discontinuance. 49 C.F.R. § 1105.6(c) and § 1105.8(b); *see also Blacklands Railroad, Inc. – Discontinuance Exemption – In Rusk County, Tex.*, STB Docket No. AB-1108X (Served April 3, 2013); *CSX Transportation, Inc. – Discontinuance of Service Exemption - In Raleigh County, W. Va.*, STB Docket No. AB-55 (Sub-No. 725X) (served September 11, 2012); *Norfolk Southern Railway Company – Discontinuance of Service Exemption – In St. Joseph and LaPorte Counties, IN*, STB Docket No. AB-290 (Sub-No. 307X) (served June 18, 2008).

BECR proposes to abandon the Line to facilitate its dissolution as a business entity. BECR will transfer the Line and Facility back to the Line and Facility's former owner, Buckeye Terminals, LLC,² a non-carrier, which will continue to use the Facility as it is used presently. Landisville proposes to discontinue its common carrier service over the Line, but will continue operating at the Facility for the owner as a contract operator. No physical alteration or removal of the tracks comprising the Line, or any material changes to the nature or frequency of the operations conducted at the Facility are planned or expected.

² BECR and Buckeye Terminals are indirect wholly owned subsidiaries of Buckeye Partners, L.P.

ENVIRONMENTAL REPORT

49 C.F.R. 1105.7(e) Requirements:

- (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.**

BECR proposes to abandon approximately 1.34 miles of rail line located within the Facility in East Chicago, Lake County, Indiana. This is the entire line of railroad used by BECR. The Facility and associated trackage is used exclusively for the transloading of carloads containing ethanol and related liquid products, and for interchange with the Indiana Harbor Belt Railroad (“IHBR”). Landisville provides switching and transloading services to BECR over the Line, and proposes to discontinue such service as a common carrier. The Facility, operated by Buckeye Terminals, LLC, is the only shipper on the Line. The Line is stub-ended, and may not therefore accommodate overhead traffic.

BECR proposes to abandon the Line to facilitate its dissolution as a business entity and the transfer of the Line and Facility back to Buckeye Terminals, a non-carrier and the only shipper on the Line. Upon consummation of the transaction, Buckeye Terminals will operate the Facility for its exclusive benefit, and continue to receive traffic from and make traffic available to IHBR at the Facility. No physical alteration or removal of the tracks comprising the Line, or any material changes to the nature or frequency of the operations conducted at the Facility are planned or expected. A map of the project area is attached as **Exhibit A**. BECR’s letter to federal, state and local government agencies is attached as **Exhibit B**. Responses to the letter or other comments received as a result of consultations are attached at **Exhibit C**.

The alternative to abandonment is to not abandon the Line. This alternative is unsatisfactory in light of BECR's desire to dissolve as a business entity and transfer the Line, Facility, and associated trackage to Buckeye Terminals.

- (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.**

BECR's proposed abandonment of the Line will have no effect on regional or local transportation systems and patterns. Upon consummation of the proposed transaction, IHBR will pick up and deliver traffic to the site just as it does today. In-plant switching and transloading services at the Facility will continue to be performed by Landisville as a contract operator.

- (3) **Land use.**

- (i) **Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.**

The proposed action is consistent with existing land use plans for the surrounding area.

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

The proposed abandonment will not affect prime agricultural land.

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

The Line proposed to be abandoned is located within a designated coastal zone. No effect on the coastal zone is anticipated as the proposed action involves only the abandonment of the Line to extinguish BECR's common carrier freight obligation and facilitate its subsequent dissolution as a business entity. The physical right-of-way and trackage will not be disturbed, and the Facility will continue to be served by IHBR. In preparing this report, BECR has contacted the Indiana agency responsible for coastal zone management.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10905 and explain why.

The right of way is not suitable for alternative public use. The Facility will remain a transload facility, but the common carriers with rights within the Facility (BECR and Landisville) will not hold themselves out as a common carriers there. BECR seeks to abandon the Line in order to facilitate its own dissolution as a business entity and to transfer the Line and Facility back to Buckeye Terminals. Buckeye Terminals will be the sole shipper on the Line, and continue to use the Facility for transloading operations and interchange with IHBR. Therefore, no public use is appropriate.

(4) Energy.

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

The proposed abandonment will have no effect on the transportation of energy resources. There will be no change in the commodities transferred to and from rail in the Facility, and IHBR will continue to pick up from and deliver traffic to this facility as it does today. Landisville will continue to provide switching and transload services within the Facility as a contract operator to Buckeye Terminals. To the extent that energy resources are currently transported by Buckeye Terminals, the sole shipper on the Line, BECR's successor in interest, Buckeye Terminals, and Landisville as its contract operator will continue to transport energy resources through interchange with IHBR.

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

The proposed abandonment will have no effect on the movement or recovery of recyclable commodities. There will be no change in the commodities transferred to and from rail in the Facility, and IHBR will continue to provide common carrier service to and from the Facility just as it does today.

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

The abandonment will not have any impact on energy consumed in the transportation of freight. Buckeye Terminals will remain the sole shipper at the Facility, and will perform its own transloading operations using Landisville as a private contract operator. No material changes to the nature or frequency of the operations conducted at the Facility are planned.

- (iv) If the proposed action will cause diversions from rail to motor carriage of more than:**

- (A) 1,000 rail carloads a year; or**
- (B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given. To minimize the production of repetitive data, the information on overall energy efficiency in Sec. 1105.7(e)(4)(iii) need not be supplied if the more detailed information in Sec. 1105.7(e)(4)(iv) is required.**

The proposed action will not cause diversions of rail carloads per year over any part of the affected Line meeting or exceeding the specific thresholds set forth in (iv)(A) or (B).

(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.**

The proposed action will not result in any increase in rail or truck traffic meeting or exceeding the specific thresholds for increased rail or truck traffic set forth in (i)(A), (B), or (C)

above. No material changes to the frequency of the operations conducted at the Facility are planned.

(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.**

The proposed action will not result in any increase in rail or truck traffic meeting or exceeding the specific thresholds for increased rail or truck traffic or rail yard activity set forth in (ii)(A), (B), or (C) above. No material changes to the frequency of the operations conducted at the Facility are planned.

(iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Not applicable. The proposed abandonment will not affect the transportation of ozone depleting materials. No material changes to the frequency of the operations conducted at the Facility are planned.

(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. The proposed abandonment will cause none of these impacts. No material changes to the frequency of the operations conducted at the Facility are planned.

(7) **Safety.**

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

The proposed abandonment will have no adverse effect on health or public safety.

Abandonment is proposed only to extinguish BECR's common carrier freight obligation and facilitate its subsequent dissolution as a business entity. The physical right-of-way and trackage will not be disturbed, and the Facility will continue to receive common carrier service from IHBR. No material changes to the frequency of the operations conducted at the Facility are planned.

- (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.**

Not applicable. The abandonment will not result in any change in the transportation 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.**

BECE experienced one spill of approximately thirty gallons of transmix into containment, which was recovered by an Oil Spill Response Organization. The right-of-way

contains several monitoring wells for BTEX compounds attributed to historic releases prior to BECR's possession. BECR will provide additional information upon request.

(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.**

The proposed abandonment will have no adverse effect on endangered or threatened species. Abandonment is proposed only to extinguish BECR's common carrier freight obligation and facilitate its subsequent dissolution as a business entity. The physical right-of-way and trackage will not be disturbed, and the Facility will continue receive common carrier service from IHBR. No material changes to the frequency of the operations conducted at the Facility are planned.

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

No National or State parks and no wildlife sanctuaries or refuges will be affected by the proposed abandonment. Abandonment is proposed only to extinguish BECR's common carrier freight obligation and facilitate its subsequent dissolution as a business entity. The physical right-of-way and trackage will not be disturbed, and the Facility will continue to be served by IHBR. No material changes to the frequency of the operations conducted at the Facility are planned.

(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.**

The proposed abandonment will have no impact on applicable Federal, State or local water quality standards. Abandonment is proposed only to extinguish BECR's common carrier

freight obligation and facilitate its subsequent dissolution as a business entity. The physical right-of-way and trackage will not be disturbed, and the Facility will continue to be served by IHBR. No material changes to the frequency of the operations conducted at the Facility are planned.

- (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.**

No permits are required for the proposed abandonment.

- (iii) **State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)**

No permits are required for the proposed abandonment.

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

The proposed abandonment will not change any conditions currently existing on the Line.

Accordingly, no mitigation of impacts will be required in connection with the proposed action.

- (11) **Additional Information for Rail Constructions. The following additional information should be included for rail construction proposals (including connecting track construction):**

- (i) **Describe the proposed route(s) by State, county, and subdivision, including a plan view, at a scale not to exceed 1:24,000 (7 1/2\ minute U.S.G.S. quadrangle map), clearly showing the relationship to the existing transportation network (including the location of all highway and road crossings) and the right-of-way according to ownership and land use requirements.**

Not applicable.

- (ii) **Describe any alternative routes considered, and a no-build alternative (or why this would not be applicable), and explain why they were not selected.**

Not applicable.

- (iii) **Describe the construction plans, including the effect on the human environment, labor force requirements, the location of borrow pits, if any, and earthwork estimates.**

Not applicable.

- (iv) **Describe in detail the rail operations to be conducted upon the line, including estimates of freight (carloads and tonnage) to be transported, the anticipated daily and annual number of train movements, number of cars per train, types of cars, motive power requirements, proposed speeds, labor force, and proposed maintenance-of-way practices.**

Not applicable.

- (v) **Describe the effects, including indirect or down-line impacts, of the new or diverted traffic over the line if the thresholds governing energy, noise and air impacts in Sec. 1105.7(e)(4), (5), or (6) are met.**

Not applicable.

- (vi) **Describe the effects, including impacts on essential public services (e.g., fire, police, ambulance, neighborhood schools), public roads, and adjoining properties, in communities to be traversed by the line.**

Not applicable.

- (vii) **Discuss societal impacts, including expected change in employment during and after construction.**

Not applicable.

Additional Information

Responses received from state and federal agencies are attached at **Exhibit C**.

HISTORIC REPORT

49 C.F.R. 1105.8(d) Requirements:

The Historic Report should contain the information required by section 1105.7(e)(1):

- (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.

See the discussion of the proposed action corresponding to section 1105.7(e)(1) of the preceding Environmental Report.

Additional 49 C.F.R. 1105.8(d) Requirements:

- (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;**

See **Exhibit A**. There are no buildings or other structures that are 50 years old or older in the right-of-way that will be affected by the proposed abandonment.

- (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 right-of-way that is the subject of the proposed abandonment is approximately 1.34 miles long, and located entirely within the Facility.

- (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;**

No such resources exist on the subject property.

- (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;**

There are no structures in the subject right-of-way.

- (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;**

No changes in the actual operations will result from the proposed abandonment.

- (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;**

BECR is in possession of all documents relating to the track and structures on this property.

- (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);**

To the best of BECR's knowledge, there are no structures that are eligible or potentially eligible for listing on the National Register of Historic Places in the right-of-way.

- (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.**

BECR experienced one spill of approximately thirty gallons of transmix into containment, which was recovered by an Oil Spill Response Organization. The right-of-way contains several monitoring wells for BTEX compounds attributed to historic releases prior to BECR's possession. BECR will provide additional information upon request.

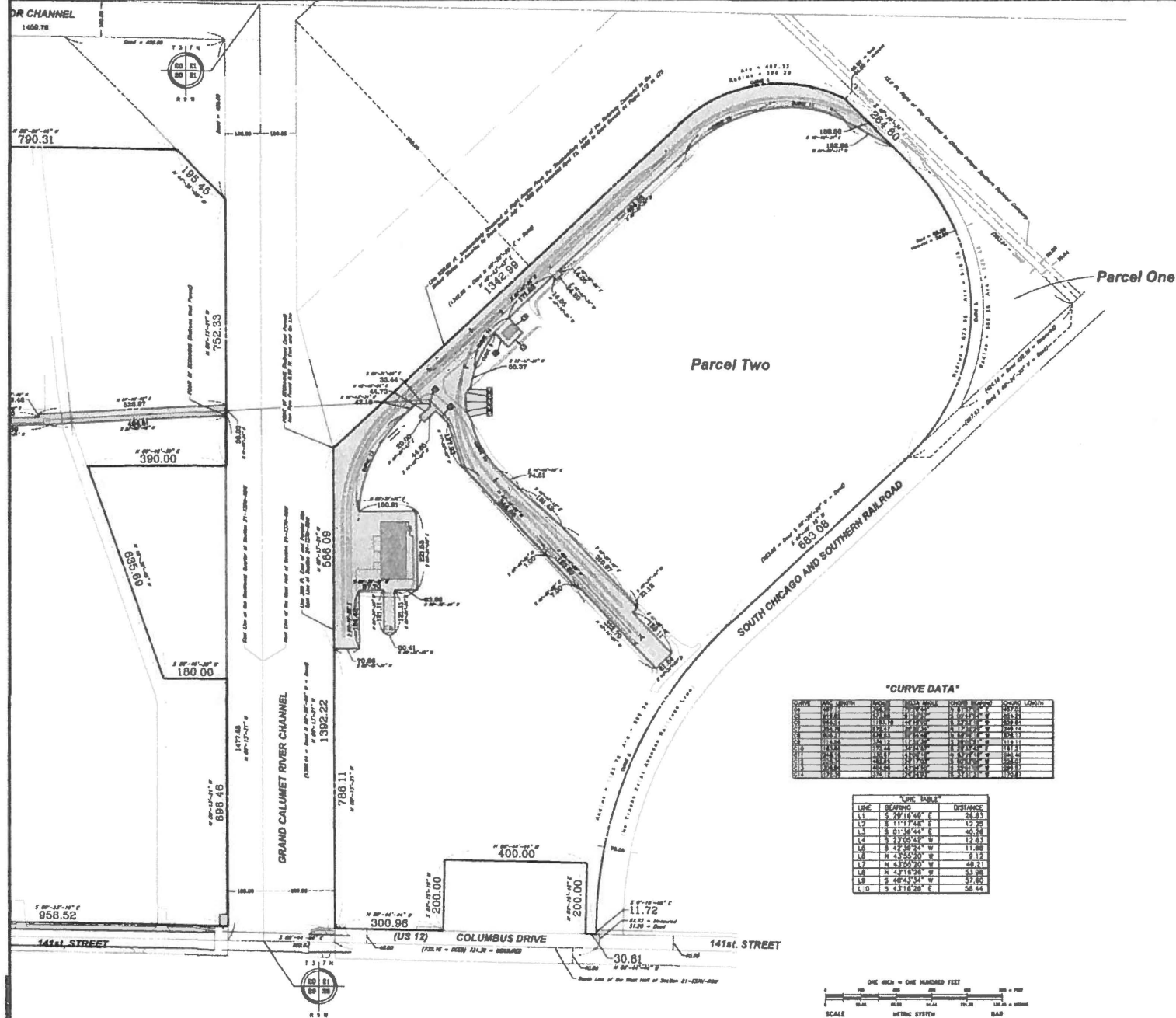
- (9) **Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties 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).**

BECR has served the Indiana Department of Natural Resources, Division of Historic Preservation and Archeology, with a copy of this Combined Environmental and Historic Report, and will respond to any further reasonable requests for information.

Exhibit A

Map of the Abandonment Area

PLAT OF SURVEY
 Prepared by
MARCHESE AND SONS, Inc.
 land - marine - construction surveys
 10 Montrose Drive
 Southfield, MI 48034
 Phone: (313) 584-8888
 Fax: (313) 584-8888



"CURVE DATA"

LINE	BEARING	ANGLE	RADIUS	CHORD	CHORD BEARING	CHORD LENGTH
1	S 29° 18' 48" E	111° 17' 48"	28.33	28.33	28.33	28.33
2	S 11° 17' 48" E	112° 25'	12.25	12.25	12.25	12.25
3	S 01° 36' 14" E	112° 25'	40.38	40.38	40.38	40.38
4	S 23° 03' 18" E	112° 25'	12.43	12.43	12.43	12.43
5	S 42° 38' 24" W	111° 08'	11.08	11.08	11.08	11.08
6	N 43° 55' 20" W	91° 17'	9.17	9.17	9.17	9.17
7	N 43° 55' 20" W	48° 21'	48.21	48.21	48.21	48.21
8	N 42° 18' 28" W	53° 08'	53.08	53.08	53.08	53.08
9	S 46° 23' 54" W	57° 40'	57.40	57.40	57.40	57.40
10	S 43° 18' 28" W	58° 44'	58.44	58.44	58.44	58.44

"LINE TABLE"

LINE	BEARING	ANGLE	RADIUS	CHORD	CHORD BEARING	CHORD LENGTH
1	S 29° 18' 48" E	111° 17' 48"	28.33	28.33	28.33	28.33
2	S 11° 17' 48" E	112° 25'	12.25	12.25	12.25	12.25
3	S 01° 36' 14" E	112° 25'	40.38	40.38	40.38	40.38
4	S 23° 03' 18" E	112° 25'	12.43	12.43	12.43	12.43
5	S 42° 38' 24" W	111° 08'	11.08	11.08	11.08	11.08
6	N 43° 55' 20" W	91° 17'	9.17	9.17	9.17	9.17
7	N 43° 55' 20" W	48° 21'	48.21	48.21	48.21	48.21
8	N 42° 18' 28" W	53° 08'	53.08	53.08	53.08	53.08
9	S 46° 23' 54" W	57° 40'	57.40	57.40	57.40	57.40
10	S 43° 18' 28" W	58° 44'	58.44	58.44	58.44	58.44



SHEET: 1 OF 2
 CITY NO. 21-281
 ADDRESS: 101 COLUMBUS DRIVE
 SOUTH CHICAGO, ILLINOIS
 SCALE: ONE INCH = ONE HUNDRED FEET
 ORDER NO.: 12-15660
 ORDERED BY: MR. MARCIE LYNCH
 FOR BUCKEYE PARTNERS, LLC
 CONVEY ALL POINTS BEFORE BUILDING BY NAME AND AT ONCE
 REPORT ANY DIFFERENCE FOR BUILDING LINE AND OTHER
 REMARKS NOT SHOWN HEREON UPON TO TOTAL CONTRACT
 DATE, TITLE INSURANCE POLICY AND OTHER OVERLAP, NAME OF
 SURVEYOR, SURVEY NUMBER, HAVE BEEN AVAILABLE, HONORABLE ON
 WITHIN 90 DAYS WERE NOT MET AT THE CLIENTS REQUEST
 STATE OF ILLINOIS
 COUNTY OF COOK
 I, PAUL H. MARCHESE, HEREBY CERTIFY THAT I HAVE SURVEYED THE
 ABOVE DESCRIBED PROPERTY AND THAT THE PLAT HEREON DRAWN IS
 A CORRECT REPRESENTATION OF SAID SURVEY.
 DATED AT AGRICOLA, OCTOBER 24, 2012



FOOTING REGISTERED LAND SURVEYOR NO. 04811
 101 COLUMBUS DRIVE, SOUTH CHICAGO, ILLINOIS 60632
 FIELD BOOK COMPLETED ON OCTOBER 24, 2012

land - marine - construction surveys



COPY NO.: 21-38-1

ADDRESS: 480 E. COLUMBUS DRIVE
EAST CHICAGO, ILLINOIS

SCALE: ONE INCH = ONE HUNDRED FEET

ORCA NO: 12-15650

ORDERED BY: **MS. MARCIE LYNCH**
FOR BUCKEYE PARTNERS, LLC

COMPARE ALL POINT BEFORE BUILDING BY SAME AND AT ONCE
REPORT ANY DIFFERENCE. FOR BUILDING LINE AND OTHER
RESTRICTIONS NOT SHOWN HEREON REFER TO YOUR CONTRACT
DEED, TITLE INSURANCE POLICY AND ZONING ORDINANCE. SALES OF
BLANKS/NOT SHOWN HEREON HAVE BEEN ASSURED. COMMENTS OR
WRITING POINTS WARE NOT SET AT THE CLIENT'S REQUEST.

Exhibit B

Letter to Agencies



KAPLAN KIRSCH ROCKWELL

August 28, 2017

Bridgette Hail
Sr. Rail Manager
Indiana Department Of Transportation Railroad Section
100 N. Senate Avenue
1GC-N, Room N901
Indianapolis, IN 46204

Re: *Combined Environmental & Historic Report on Proposed Abandonment
of the East Chicago Transload Facility in East Chicago, Lake County, Indiana,*
STB Docket Nos. AB-1247 (Sub-No. 0X) and AB-1248 (Sub-No. 0X)

Dear Ms. Hail:

On September 27, 2017, Landisville Railroad, LLC, and Buckeye East Chicago Railroad LLC expect to file a Joint Petition for Exemption with the Surface Transportation Board ("STB") to effect the discontinuance and abandonment, respectively, of approximately 1.34 miles of rail line located within the East Chicago Transload Facility in East Chicago, Lake County, Indiana (the "Facility"). Attached is an Environmental Report and Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, D.C., via telephone at (202) 245-0291 and refer to the above Docket Numbers. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA (with a copy to us) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact us at your earliest convenience.

Sincerely,

Charles A. Spitulnik

cc: Erica Radcliffe, Buckeye Partners, L.P.
Eric M. Hockey, Counsel for Landisville Railroad, LLC



KAPLAN KIRSCH ROCKWELL

August 28, 2017

Samantha Groce
Regional Project Manager
Indiana Department Of Environmental Management
Indiana Government Center
10 N. Senate Avenue
Indianapolis, IN 46206-6015

Re: *Combined Environmental & Historic Report on Proposed Abandonment
of the East Chicago Transload Facility in East Chicago, Lake County, Indiana,*
STB Docket Nos. AB-1247 (Sub-No. 0X) and AB-1248 (Sub-No. 0X)

Dear Ms. Groce:

On September 27, 2017, Landisville Railroad, LLC, and Buckeye East Chicago Railroad LLC expect to file a Joint Petition for Exemption with the Surface Transportation Board ("STB") to effect the discontinuance and abandonment, respectively, of approximately 1.34 miles of rail line located within the East Chicago Transload Facility in East Chicago, Lake County, Indiana (the "Facility"). Attached is an Environmental Report and Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, D.C., via telephone at (202) 245-0291 and refer to the above Docket Numbers. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA (with a copy to us) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact us at your earliest convenience.

Sincerely,

Charles A. Spitulnik

cc: Erica Radcliffe, Buckeye Partners, L.P.
Eric M. Hockey, Counsel for Landisville Railroad, LLC



KAPLAN KIRSCH ROCKWELL

August 28, 2017

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

Re: *Combined Environmental & Historic Report on Proposed Abandonment
of the East Chicago Transload Facility in East Chicago, Lake County, Indiana,*
STB Docket Nos. AB-1247 (Sub-No. 0X) and AB-1248 (Sub-No. 0X)

Dear Ms. Hall:

On September 27, 2017, Landisville Railroad, LLC, and Buckeye East Chicago Railroad LLC expect to file a Joint Petition for Exemption with the Surface Transportation Board ("STB") to effect the discontinuance and abandonment, respectively, of approximately 1.34 miles of rail line located within the East Chicago Transload Facility in East Chicago, Lake County, Indiana (the "Facility"). Attached is an Environmental Report and Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, D.C., via telephone at (202) 245-0291 and refer to the above Docket Numbers. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA (with a copy to us) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact us at your earliest convenience.

Sincerely,

Charles A. Spitulnik

cc: Erica Radcliffe, Buckeye Partners, L.P.
Eric M. Hockey, Counsel for Landisville Railroad, LLC



KAPLAN KIRSCH ROCKWELL

August 28, 2017

Mike Neyer, Director
Indiana Department Of Natural Resources
Division Of Water
402 West Washington Street
Room W246
Indianapolis, IN 46204

Re: *Combined Environmental & Historic Report on Proposed Abandonment
of the East Chicago Transload Facility in East Chicago, Lake County, Indiana,*
STB Docket Nos. AB-1247 (Sub-No. 0X) and AB-1248 (Sub-No. 0X)

Dear Mr. Neyer:

On September 27, 2017, Landisville Railroad, LLC, and Buckeye East Chicago Railroad LLC expect to file a Joint Petition for Exemption with the Surface Transportation Board ("STB") to effect the discontinuance and abandonment, respectively, of approximately 1.34 miles of rail line located within the East Chicago Transload Facility in East Chicago, Lake County, Indiana (the "Facility"). Attached is an Environmental Report and Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, D.C., via telephone at (202) 245-0291 and refer to the above Docket Numbers. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA (with a copy to us) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact us at your earliest convenience.

Sincerely,

Charles A. Spitulnik

cc: Erica Radcliffe, Buckeye Partners, L.P.
Eric M. Hockey, Counsel for Landisville Railroad, LLC



KAPLAN KIRSCH ROCKWELL

August 28, 2017

Tom Melius
Midwest Regional Director
U.S. Fish and Wildlife Service
5600 Amerircan Blvd. West
Suite 990
Bloomington, MN 55437-1458

Re: *Combined Environmental & Historic Report on Proposed Abandonment
of the East Chicago Transload Facility in East Chicago, Lake County, Indiana,*
STB Docket Nos. AB-1247 (Sub-No. 0X) and AB-1248 (Sub-No. 0X)

Dear Mr. Melius:

On September 27, 2017, Landisville Railroad, LLC, and Buckeye East Chicago Railroad LLC expect to file a Joint Petition for Exemption with the Surface Transportation Board ("STB") to effect the discontinuance and abandonment, respectively, of approximately 1.34 miles of rail line located within the East Chicago Transload Facility in East Chicago, Lake County, Indiana (the "Facility"). Attached is an Environmental Report and Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, D.C., via telephone at (202) 245-0291 and refer to the above Docket Numbers. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA (with a copy to us) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact us at your earliest convenience.

Sincerely,

Charles A. Spitulnik

cc: Erica Radcliffe, Buckeye Partners, L.P.
Eric M. Hockey, Counsel for Landisville Railroad, LLC



KAPLAN KIRSCH ROCKWELL

August 28, 2017

Indiana Department of Natural Resources
Division Of Historic Preservation and Archeology
402 West Washington Street
Indiana Government Center South, Room W256
Indianapolis, IN 46204

Re: *Combined Environmental & Historic Report on Proposed Abandonment
of the East Chicago Transload Facility in East Chicago, Lake County, Indiana,*
STB Docket Nos. AB-1247 (Sub-No. 0X) and AB-1248 (Sub-No. 0X)

Dear Sir or Madam:

On September 27, 2017, Landisville Railroad, LLC, and Buckeye East Chicago Railroad LLC expect to file a Joint Petition for Exemption with the Surface Transportation Board ("STB") to effect the discontinuance and abandonment, respectively, of approximately 1.34 miles of rail line located within the East Chicago Transload Facility in East Chicago, Lake County, Indiana (the "Facility"). Attached is an Environmental Report and Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, D.C., via telephone at (202) 245-0291 and refer to the above Docket Numbers. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA (with a copy to us) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact us at your earliest convenience.

Sincerely,

Charles A. Spitulnik

cc: Erica Radcliffe, Buckeye Partners, L.P.
Eric M. Hockey, Counsel for Landisville Railroad, LLC



KAPLAN KIRSCH ROCKWELL

August 28, 2017

U.S. Army Corps Of Engineers
Regulatory Branch
231 S. LaSalle St.
Suite 1500
Chicago, IL 60604

Re: *Combined Environmental & Historic Report on Proposed Abandonment
of the East Chicago Transload Facility in East Chicago, Lake County, Indiana,*
STB Docket Nos. AB-1247 (Sub-No. 0X) and AB-1248 (Sub-No. 0X)

Dear Sir or Madam:

On September 27, 2017, Landisville Railroad, LLC, and Buckeye East Chicago Railroad LLC expect to file a Joint Petition for Exemption with the Surface Transportation Board ("STB") to effect the discontinuance and abandonment, respectively, of approximately 1.34 miles of rail line located within the East Chicago Transload Facility in East Chicago, Lake County, Indiana (the "Facility"). Attached is an Environmental Report and Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, D.C., via telephone at (202) 245-0291 and refer to the above Docket Numbers. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA (with a copy to us) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact us at your earliest convenience.

Sincerely,

Charles A. Spitulnik

cc: Erica Radcliffe, Buckeye Partners, L.P.
Eric M. Hockey, Counsel for Landisville Railroad, LLC



KAPLAN KIRSCH ROCKWELL

August 28, 2017

Cam Sholly
Regional Director
National Park Service
601 Riverfront Drive
Omaha, NE 68102-4226

Re: *Combined Environmental & Historic Report on Proposed Abandonment
of the East Chicago Transload Facility in East Chicago, Lake County, Indiana,*
STB Docket Nos. AB-1247 (Sub-No. 0X) and AB-1248 (Sub-No. 0X)

Dear Mr. Sholly:

On September 27, 2017, Landisville Railroad, LLC, and Buckeye East Chicago Railroad LLC expect to file a Joint Petition for Exemption with the Surface Transportation Board ("STB") to effect the discontinuance and abandonment, respectively, of approximately 1.34 miles of rail line located within the East Chicago Transload Facility in East Chicago, Lake County, Indiana (the "Facility"). Attached is an Environmental Report and Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, D.C., via telephone at (202) 245-0291 and refer to the above Docket Numbers. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA (with a copy to us) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact us at your earliest convenience.

Sincerely,

Charles A. Spitulnik

cc: Erica Radcliffe, Buckeye Partners, L.P.
Eric M. Hockey, Counsel for Landisville Railroad, LLC



KAPLAN KIRSCH ROCKWELL

August 28, 2017

Jane Hardisty
Natural Resource Conservation Service
Indiana State Office
6013 Lakeside Boulevard
Indianapolis, IN 46278

Re: *Combined Environmental & Historic Report on Proposed Abandonment
of the East Chicago Transload Facility in East Chicago, Lake County, Indiana,*
STB Docket Nos. AB-1247 (Sub-No. 0X) and AB-1248 (Sub-No. 0X)

Dear Ms. Hardisty:

On September 27, 2017, Landisville Railroad, LLC, and Buckeye East Chicago Railroad LLC expect to file a Joint Petition for Exemption with the Surface Transportation Board ("STB") to effect the discontinuance and abandonment, respectively, of approximately 1.34 miles of rail line located within the East Chicago Transload Facility in East Chicago, Lake County, Indiana (the "Facility"). Attached is an Environmental Report and Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, D.C., via telephone at (202) 245-0291 and refer to the above Docket Numbers. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA (with a copy to us) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact us at your earliest convenience.

Sincerely,

Charles A. Spitulnik

cc: Erica Radcliffe, Buckeye Partners, L.P.
Eric M. Hockey, Counsel for Landisville Railroad, LLC



KAPLAN KIRSCH ROCKWELL

August 28, 2017

Michael Brown
County Clerk
2293 N. Main Street
Crown Point, IN 46307

Re: *Combined Environmental & Historic Report on Proposed Abandonment
of the East Chicago Transload Facility in East Chicago, Lake County, Indiana,*
STB Docket Nos. AB-1247 (Sub-No. 0X) and AB-1248 (Sub-No. 0X)

Dear Mr. Brown:

On September 27, 2017, Landisville Railroad, LLC, and Buckeye East Chicago Railroad LLC expect to file a Joint Petition for Exemption with the Surface Transportation Board ("STB") to effect the discontinuance and abandonment, respectively, of approximately 1.34 miles of rail line located within the East Chicago Transload Facility in East Chicago, Lake County, Indiana (the "Facility"). Attached is an Environmental Report and Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, D.C., via telephone at (202) 245-0291 and refer to the above Docket Numbers. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA (with a copy to us) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact us at your earliest convenience.

Sincerely,

Charles A. Spitulnik

cc: Erica Radcliffe, Buckeye Partners, L.P.
Eric M. Hockey, Counsel for Landisville Railroad, LLC



KAPLAN KIRSCH ROCKWELL

August 28, 2017

Robert A. Kaplan
U.S. EPA Region 5
77 W. Jackson Blvd.
Chicago, IL 60604

Re: *Combined Environmental & Historic Report on Proposed Abandonment
of the East Chicago Transload Facility in East Chicago, Lake County, Indiana,*
STB Docket Nos. AB-1247 (Sub-No. 0X) and AB-1248 (Sub-No. 0X)

Dear Mr. Kaplan:

On September 27, 2017, Landisville Railroad, LLC, and Buckeye East Chicago Railroad LLC expect to file a Joint Petition for Exemption with the Surface Transportation Board ("STB") to effect the discontinuance and abandonment, respectively, of approximately 1.34 miles of rail line located within the East Chicago Transload Facility in East Chicago, Lake County, Indiana (the "Facility"). Attached is an Environmental Report and Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, D.C., via telephone at (202) 245-0291 and refer to the above Docket Numbers. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA (with a copy to us) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact us at your earliest convenience.

Sincerely,

Charles A. Spitulnik

cc: Erica Radcliffe, Buckeye Partners, L.P.
Eric M. Hockey, Counsel for Landisville Railroad, LLC

Exhibit C

Agency Responses

Steven L. Osit

From: Charles A. Spitulnik <cspitulnik@kaplankirsch.com>
Sent: Wednesday, September 6, 2017 10:44 AM
To: DeRolf, Kelly L
Subject: RE: Railroad Abandonment: STB Docket Nos. AB-1247, 1248, & 1249; ER Nos. 20056 & 20057

Thank you. I look forward to receiving your formal response at your earliest convenience.

Best regards –

Chuck Spitulnik



Charles A. Spitulnik | bio

O 202.955.5600 C 301.651.3629 F 202.955.5616
cspitulnik@kaplankirsch.com www.kaplankirsch.com
1001 Connecticut Avenue, NW, Suite 800, Washington, DC 20036

Confidentiality Notice: The information contained in this e-mail message is intended only for the personal and confidential use of the recipient named above. Any metadata contained in this message or attachments is not intended for disclosure to the recipient or anyone else. This message may be an attorney-client communication and/or confidential work product. If the reader of this message is not the intended recipient, you have received this document in error. Any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message. Please consider our environment before printing this email.

From: DeRolf, Kelly L [mailto:KDerolf@dnr.IN.gov]
Sent: Wednesday, September 6, 2017 10:16 AM
To: Charles A. Spitulnik <cspitulnik@kaplankirsch.com>
Subject: Railroad Abandonment: STB Docket Nos. AB-1247, 1248, & 1249; ER Nos. 20056 & 20057

Dear Charles Spitulnik:

This is a standard informational email in response to your request for an Environmental Review. We would like you to know that the review is in process and a formal response will be forthcoming. Please refer to the ER number in the subject line on all future correspondence regarding this project.

** Future environmental review requests can be submitted electronically to: environmentalreview@dnr.in.gov. This is only FYI if you are not already doing so.

If you have any questions, please contact me at 317-232-8163 or cstanifer@dnr.in.gov.

Sincerely,

Christie Stanifer
Environmental Coordinator
Indiana Department of Natural Resources
Division of Fish and Wildlife
402 West Washington St, Room W273
Indianapolis, IN 46204-2781
(317) 232-8163

September 8, 2017

Charles A. Spitulnik
Kaplan Kirsch & Rockwell LLP
1001 Connecticut Avenue, N.W., Suite 800
Washington, D.C. 20036

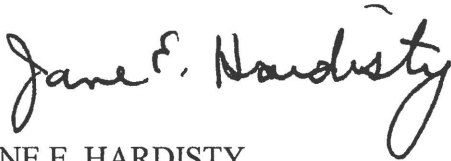
RECEIVED
SEP 19 2017
BY: 

Dear Mr. Spitulnik:

The proposed project to abandon 1.34 miles of rail line located with the East Chicago Transload Facility in the City of East Chicago, Lake County, Indiana, as referred to in your letter received August 31, 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
State Conservationist

