

LAW OFFICES OF
LOUIS E. GITOMER, LLC.

LOUIS E. GITOMER
Lou@lgraillaw.com

MELANIE B. YASBIN
Melanie@lgraillaw.com
410-296-2205

600 BALTIMORE AVENUE, SUITE 301
TOWSON, MARYLAND 21204-4022
(410) 296-2250 • (202) 466-6532
FAX (410) 332-0885

April 5, 2012

232163

ENTERED
Office of Proceedings
April 5, 2012
Part of
Public Record

Ms. Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D. C. 20423

RE: Docket No. AB-511 (Sub-No. 6X), *Central Railroad Company of Indianapolis—
Abandonment Exemption—Howard County, IN.*

Dear Ms. Brown:

On or about April 25, 2012, we expect to be filing with the Surface Transportation Board (“STB”) a notice of exemption seeking authority for Central Railroad Company of Indianapolis (“CERA”) to abandon 2.84 miles on CERA’s Tipton Industrial Lead, between milepost 55.66 and milepost 58.5, in Howard County, IN.

Enclosed for electronic filing is the Combined Environmental and Historic Report (“CEHR”) describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area. The CEHR was mailed via first class mail or sent electronically to the parties required under 49 C.F.R. § 1105.7 and 49 C.F.R. § 1105.8(c) on April 5, 2012.

Sincerely yours,



Melanie B. Yasbin
Attorney for Central Railroad Company of Indianapolis

Enclosure

COMBINED ENVIRONMENTAL AND HISTORIC REPORT
(49 C.F.R. 1105.7 and 1105.8)

Docket No. AB-511 (Sub-No. 6x)

CENTRAL RAILROAD COMPANY OF INDIANAPOLIS—ABANDONMENT EXEMPTION—
HOWARD COUNTY, IN (TIPTON INDUSTRIAL LEAD)

Dated: April 5, 2012

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.

Central Railroad Company of Indianapolis (“CERA”) proposes to abandon a 2.84-mile railroad line between milepost 55.66 and milepost 58.5 on CERA’s Tipton Industrial Lead (“Line”). Upon receipt of abandonment authority, CERA proposes to convey 4.671 acres of land to the Indiana Department of Transportation (“INDOT”) and to salvage the tracks and materials in the Line and dispose of the right-of-way. This will allow INDOT to proceed with the construction on new alignment of U.S. Highway 31 more efficiently and cost effectively than if the rail line remained in place. CERA also intends to negotiate interim trail use/rail banking with the City of Kokomo for the non-contiguous 2.35-mile line between milepost 55.66 near Gano Street and railroad milepost 57.39 at the south right-of-way of the proposed US31, and between milepost 57.88 at the north right-of-way of the proposed US31 and milepost 58.5 at the south end of the Nickel Plate Trail, distances of 0.62 and 1.73 miles respectively, in Howard County, IN.

Abandonment of the Line will result in the removal of the rail, crossties and possibly the upper layer of ballast. Removal of the Line will result in the elimination of 5 public road crossings and 1 private crossing on the Line.

There has been no traffic on the Line for over 2 years.

The only alternative to a full abandonment would be for CERA not to abandon the Line. The Line is located in an area of little economic growth, where industrial development is unlikely to occur. With little, if any, potential traffic, CERA has decided to seek abandonment of the Line.

CERA filed a Notice of Exemption on July 2, 2010 to abandon the same Line at issue here.¹ In a Notice served on July 22, 2010, the Board granted CERA's abandonment subject to labor protective conditions. In a decision served on August 20, 2010, the Board reopened and modified the July 22nd Notice to impose public use and trail use conditions for two non contiguous portions of the Line, as well as, a condition requiring that, in the event that any unanticipated archaeological sites, human remains, funerary items, or associated artifacts are discovered during the railroad's salvage activities, CERA shall immediately cease all work and notify SEA, interested Federally recognized tribes, and the SHPO. SEA shall then consult with the SHPO, interested Federally recognized tribes, CERA, and other consulting parties to determine whether mitigation measures are necessary. On July 28, 2011, CERA notified the Board that it did not consummate the abandonment of the Line and that it was terminating interim trail use/rail banking negotiations with the City of Kokomo. Attached as Exhibit 4 is the Environmental Assessment served in the Sub-No. 5X Proceeding and the comment letters received in that proceeding.

A map of the proposed abandonment is attached hereto as Exhibit 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.

¹ Docket No. AB-511 (Sub-No. 5X), *Central Railroad Company of Indianapolis—Abandonment Exemption—Howard County, IN (the "Sub-No. 5X Proceeding")*.

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

However, abandonment of the Line will allow US Highway 31 to be rehabilitated without incurring the cost or time necessary to construct grade separation structures between the highway and the railroad.

(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 U.S. 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) CERA considers the proposed abandonment to be consistent with existing land use plans. INDOT has plans to construct a Route 31 By-Pass around Kokomo. Because of CERA's Line the major northern interchange between the new highway and the existing U.S. Route 31 will require construction of two major grade separation structures. CERA and INDOT have entered into an agreement, where once CERA receives abandonment authority, CERA will convey 4.671 acres of land to the INDOT. This will allow INDOT to avoid having to build grade separation structures.

CERA contacted the City of Kokomo and the County of Howard, IN, by letters dated April 5, 2012. See Exhibit 2. No response has been received as of this date. A copy of this Environmental Report has been mailed to the appropriate local and state agencies for their information and further comment.

(ii) CERA does not believe that there is any prime agricultural land that will be affected. CERA notified the United States Department of Agriculture (“USDA”) Natural Resources Conservation Service (the agency succeeding to the responsibilities of the Soil Conservation Service) of the proposed abandonment by letter dated April 5, 2012, and requested assistance in identifying any potential effects on prime agricultural land. See Exhibit 2. No response has been received as of this date. A copy of this report has been supplied to the USDA for its information and further comment. In a letter dated June 16, 2010 and filed in the Sub-No. 5X Proceeding, the USDA stated that the abandonment will not cause a conversion of prime farmland. See Exhibit 2.

(iii) The Line does not pass through a designated coastal zone.

(iv) CERA believes that the property proposed for abandonment is suitable for other public purposes. INDOT has plans to construct a Route 31 By-Pass around Kokomo. CERA and INDOT have entered into an agreement, where once CERA receives abandonment authority CERA agrees to forego alternatives for the use of CERA’s interest in parcels 727, 727A, and 727B, approximately 4.671 acres of land between milepost 57.39 and milepost 57.88, which CERA will convey to INDOT so that the Route 31 By-Pass project can cross the Line.

CERA intends to reinstate negotiations for interim trail use/rail banking with the City of Kokomo for the non-contiguous 2.35-mile line between milepost 55.66 near Gano Street and railroad milepost 57.39 at the south right-of-way of the proposed US31, and between milepost 57.88 at the north right-of-way of the proposed US31 and milepost 58.5 at the south end of the Nickel Plate Trail, distances of 0.62 and 1.73 miles respectively, in Howard County, IN.

The “Nickel Plate” trail is a 40+ mile rail trail corridor running from Cassville in Howard County to Rochester in Fulton County. It abuts the northerly terminus of the Line. The Nickel

Plate trail corridor was purchased from the Norfolk and Southern Railroad via Federal rail banking. *See Norfolk and Western Railway Company—Abandonment Exemption—Between Kokomo and Rochester in Howard, Miami, and Fulton Counties, IN*, STB Docket No. AB-290 (Sub-No. 168X) (STB served August 25, 2009). The Line is connected to the national railroad system via the Nickel Plate Trail abutting the northern end of the Line and CERA at the southern end of the Line.

(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 minimal effect on overall energy efficiency since there has been no traffic on the Line.

(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 for any part of the line segments 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 § 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in sub-section (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. § 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply. (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. CERA will cease operating over the Line. As a result of the abandonment, CERA will remove 5 public road crossings and 1 private road crossing. Abandonment of the Line will allow INDOT to build the Route 31 By-Pass without the additional cost of two grade separation structures.

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

(iii) CERA is not aware of any known hazardous waste sites or sites where there have been known hazardous materials spills on the 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) CERA does not believe that the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat. CERA notified the U.S. Fish and Wildlife Service ("USF&W") of the proposed abandonment by letter dated April 5, 2012, and requested assistance in determining whether the proposed abandonment will adversely affect endangered or threatened species or areas designated as a critical habitat. *See* Exhibit 2. No response has been received as of this date. A copy of this Report was supplied to the USF&W for its information and further comment.

(ii) CERA is unaware of any wildlife sanctuaries or refuges, National or State parks or forests that would be adversely affected by the proposed abandonment.

CERA notified the National Parks Service of the proposed abandonment by letter dated April 5, 2012, and requested assistance in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests. *See* Exhibit 2. To date, no response to this request

has been received. A copy of this Report 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.

(i) CERA is confident that the proposed abandonment will be consistent with applicable water quality standards. CERA contacted the Indiana Department of Environmental Management (“INDEM”) and the United States Environmental Protection Agency (“USEPA”) by letters dated April 5, 2012. *See* Exhibit 2. To date, no response to this request has been received. A copy of this Report has been supplied to the INDEM and USEPA for their information and comment.

(ii) CERA believes 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 accomplished by use of the right-of-way for access, along with existing public crossings. No new access roads are contemplated. CERA does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, and does 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 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. Also, during track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any

waterways. Based upon this course of action, CERA does not believe a permit under Section 404 of the Clean Water Act will be required.

CERA contacted the U.S. Army Corps of Engineers by letter dated April 5, 2012 and has received no response to date. *See* Exhibit 2. A copy of this Report has been supplied to the U.S. Army Corps of Engineers for its information and comment.

(iii) CERA believes that no permit under section 402 of the Clean Water Act would be required for the abandonment. CERA contacted the INDEM and the USEPA by letter dated April 5, 2012. *See* Exhibit 2. No response has been received as of this date. A copy of this Report 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.

CERA does not expect any adverse environmental impact from the proposed abandonment and, therefore, sees no need for any mitigating actions. CERA will, of course, adhere to any remedial actions required by the Board.

HISTORIC REPORT

1. A U.S.G.S. topographic map (or 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;

U.S. Geological Survey Maps have been supplied to the Indiana Department of Natural Resources, Division of Historic Preservation and Archeology. *See Exhibit 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 2.84-mile right-of-way ranges from 44 feet wide to 80 feet wide and consists of 30 acres of land. The northern end of the Line begins at milepost 58.5, just north of County Road E. 450 and runs south/southwest, crossing U.S. Route 31 and terminating at milepost 55.66 at about West Gano 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;

There are no bridges or structures on the property that are 50 years old or older.

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 applicable.

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 line was leased from the Norfolk and Western Railway Company from 1989 until 2002. CERA purchased the line segment on June 12, 2002 from the Norfolk Southern Railway Company. Service was provided on an "as needed" basis.

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;

CERA possesses valuation maps and track charts of the Line, but is not aware of any other 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 C.F.R. 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);

CERA believes that there are no archeological resources or other railroad related historic properties in the project area.

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 waste), and the surrounding terrain.

Based on a review of its records, CERA believes that there are no known subsurface ground disturbances or fill, or environmental conditions that might affect the archeological recovery of any potential resources.

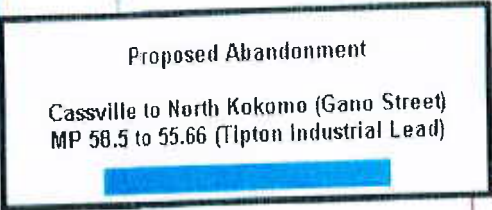
9. Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specific non railroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties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

CERA does 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, CERA will promptly supply the necessary information.

CERA contacted the Indiana Department of Natural Resources, Division of Historic Preservation and Archeology ("INDNR"). *See* Exhibit 2. No response has been received. A copy of this Report has been mailed to INDNR. In a letter dated July 14, 2010 filed in response to the request for comments in the Sub-No. 5X Proceeding INDNR stated that it had not

identified any historic buildings, structures, districts, or objects listed in or eligible for inclusion in the National Register of Historic Places but if any archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities that the discovery be reported to INDNR within 2 business days. See Exhibit 4.

EXHIBIT 1 – MAP



CERA's Tipton Industrial Lead connects Kokomo and Cassville

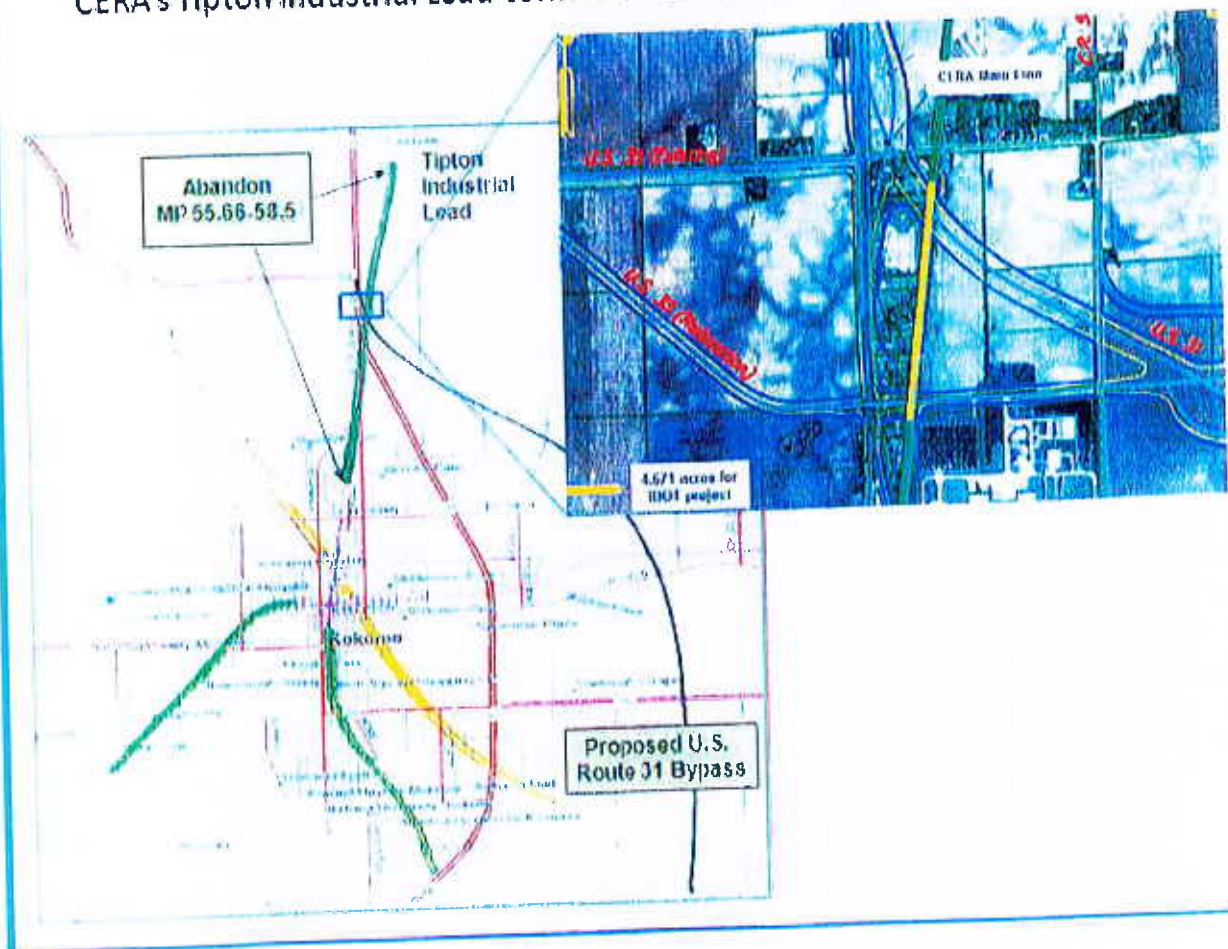


EXHIBIT 2 – LETTERS

LAW OFFICES OF
LOUIS E. GITOMER, LLC.

LOUIS E. GITOMER
Lou@lgraillaw.com

MELANIE B. YASBIN
Melanie@lgraillaw.com
410-296-2205

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TOWSON, MARYLAND 21204-4022
(410) 296-2250 • (202) 466-6532
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April 5, 2012

U.S. Army Corp. of Engineers
Louisville District
PO Box 59
Louisville, KY 40201-0059

RE: Docket No. AB-511 (Sub-No. 6X), *Central Railroad Company of Indianapolis—
Abandonment Exemption—Howard County, IN.*

Dear Sir/Madam:

On or about April 25, 2012, we expect to be filing with the Surface Transportation Board (“STB”) a notice of exemption seeking authority for Central Railroad Company of Indianapolis (“CERA”) to abandon 2.84 miles on CERA’s Tipton Industrial Lead, between milepost 55.66 and milepost 58.5, in Howard County, IN.

Attached is a Combined Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as maps 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 STB’s environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, E Street, S.W., Washington, DC 20423, telephone 202-245-0295 and refer to the above Docket No. AB-511 (Sub-No. 6X).

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Melanie Yasbin who may be contacted by telephone at 410-296-2205, email at Melanie@lgraillaw.com, or mail at Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Sincerely yours,



Melanie B. Yasbin
Attorney for Central Railroad Company of Indianapolis

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April 5, 2012

Honorable Richard Miller
President, Howard County Council
Howard County Administrative Center
220 N. Main Street
Kokomo, IN 46901

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April 5, 2012

Indiana Department of Natural Resources
Division of Water
402 West Washington Street, Room W2615
Indianapolis, IN 46204

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Attorney for Central Railroad Company of Indianapolis

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April 5, 2012

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

RE: Docket No. AB-511 (Sub-No. 6X), *Central Railroad Company of Indianapolis—
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Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Melanie Yasbin who may be contacted by telephone at 410-296-2205, email at Melanie@lgraillaw.com, or mail at Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Sincerely yours,



Melanie B. Yasbin
Attorney for Central Railroad Company of Indianapolis

Enclosures

LAW OFFICES OF
LOUIS E. GITOMER, LLC.

LOUIS E. GITOMER
Lou@lgraillaw.com

MELANIE B. YASBIN
Melanie@lgraillaw.com
410-296-2205

600 BALTIMORE AVENUE, SUITE 301
TOWSON, MARYLAND 21204-4022
(410) 296-2250 • (202) 466-6532
FAX (410) 332-0885

April 5, 2012

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

RE: Docket No. AB-511 (Sub-No. 6X), *Central Railroad Company of Indianapolis—
Abandonment Exemption—Howard County, IN.*

Dear Mayor Goodnight:

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410-296-2225

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TOWSON, MARYLAND 21204-4022
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FAX (410) 332-0885

April 5, 2012

National Oceanic and Atmospheric Administration
National Geodetic Survey
1315 East-West Highway
Silver Spring, MD 20910-3282

RE: Docket No. AB-511 (Sub-No. 6X), *Central Railroad Company of Indianapolis—
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April 5, 2012

U.S. National Park Service
601 Riverfront Drive
Omaha, NE 68102-4226

RE: Docket No. AB-511 (Sub-No. 6X), *Central Railroad Company of Indianapolis—
Abandonment Exemption—Howard County, IN.*

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MELANIE B. YASBIN
Melanie@lgraillaw.com
410-296-2205

April 5, 2012

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: Docket No. AB-511 (Sub-No. 6X), *Central Railroad Company of Indianapolis—
Abandonment Exemption—Howard County, IN.*

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April 5, 2012

Natural Resources Conservation Service
USDA
6013 Lakeside Boulevard
Indianapolis, IN 46270

RE: Docket No. AB-511 (Sub-No. 6X), *Central Railroad Company of Indianapolis—
Abandonment Exemption—Howard County, IN.*

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FAX (410) 332-0885

April 5, 2012

U.S. Fish and Wildlife Service
One Federal Drive
BHW Federal Building
Fort Snelling
Twin Cities, MN 55111-4056

RE: Docket No. AB-511 (Sub-No. 6X), *Central Railroad Company of Indianapolis—
Abandonment Exemption—Howard County, IN.*

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April 5, 2012

Environmental Protection Agency
Metcalf Building
Office of Strategic Environmental Analysis
77 West Jackson Boulevard
Mailcode: B-19J
Chicago, IL 60604

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Abandonment Exemption—Howard County, IN.*

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(410) 296-2250 • (202) 466-6532
FAX (410) 332-0885

April 5, 2012

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

RE: Docket No. AB-511 (Sub-No. 6X), *Central Railroad Company of Indianapolis—
Abandonment Exemption—Howard County, IN.*

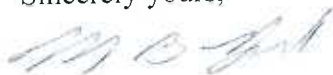
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Enclosures

EXHIBIT 3 – USGS MAPS

EXHIBIT 4 – ENVIRONMENTAL ASSESSMENT in
AB-511 (Sub-No. 5X) and SUPPORTING
DOCUMENTS

40934
SEA

SERVICE DATE – JULY 27, 2010

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 511 (Sub-No 5X)

**Central Railroad Company of Indianapolis – Abandonment Exemption –
in Howard County, Ind.**

BACKGROUND

In this proceeding, Central Railroad Company of Indianapolis (CERA) filed a notice of exemption under 49 C.F.R. § 1152.20 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of the Tipton Industrial Lead in Howard County, Indiana. The rail line extends 2.84 miles from milepost 55.66 at North Kokomo to milepost 58.5 at Cassville (the Line). A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

ENVIRONMENTAL REVIEW

CERA submitted an environmental report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. CERA served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)].¹ The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to CERA, no local traffic has moved over the Line in the last two years. There is also no overhead traffic that would have to be rerouted. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources of recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

¹ The environmental and historic reports are available for viewing on the Board's website at www.stb.dot.gov choosing "E-Library," selecting "Filings," then conducting a search for AB 511 (Sub-No. 5X).

Salvage Activities

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way.

CERA states that it intends to salvage the Line, including track and ties, following abandonment. However, it does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion. CERA does not anticipate the need to conduct any dredging activities or use fill in the removal of track material. During removal activities, CERA plans to implement measures to prevent or control oil spills from fuels, lubricants and other potentially pollutant materials.

The Line extends south from Cassville and crosses Route 31 just before entering Kokomo. The Line right-of-way ranges between 44 to 80 feet in width and consists of 30 acres of land. Residences and business, including some industrial in nature, border the Line at Cassville and at Kokomo. Elsewhere, land use surrounding the Line is primarily agricultural.

CERA states that, following abandonment, it plans to convey 4.671 acres of land underlying the Line to the Indiana Department of Transportation (INDOT) for the purpose of building a Route 31 bypass around Kokomo. According to CERA, abandonment of the Line would facilitate the construction of the bypass, which is in final design stages, by eliminating the need for INDOT to build two costly grade separation structures over the Line that would be required if the Line remains in place.

According to CERA, a previously abandoned section of rail line that connects to the northern terminus of the Line was converted into a 40-mile long trail, known as the Nickel Plate Trail. Though the proposed bypass would use part of the Line, CERA states that INDOT has had discussions with interested parties regarding converting the remaining segmented portions of the Line into a trail corridor. It is unclear, however, if these segments would connect with the existing Nickel Plate Trail.

The National Geodetic Survey has advised SEA that no geodetic station markers would be affected by the proposed abandonment.

The Natural Resources Conservation Service has advised CERA that the proposed abandonment would not affect prime farmlands.

CERA submitted the environmental report to several local, state and Federal agencies from which responses or comments have yet to be received. These include the U.S. Fish and Wildlife Service; the U.S. Army Corps of Engineers; the U.S. Environmental Protection Agency; the Indiana Department of Natural Resources; the Indiana Department of Environmental

Management; the City of Kokomo; and the County of Howard. SEA is providing copies of this EA to these agencies to ensure that they have an additional opportunity to provide comment.

Based on all information available to date, SEA does not believe that any salvage activities that would be conducted following abandonment of the Line would cause significant environmental impacts. SEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment. Abandonment of the Line would also improve public safety in the area through the elimination of 5 public road crossings and 1 private road crossing.

HISTORIC REVIEW

CERA served the historic report on the Indiana State Historic Preservation Office (SHPO) pursuant to 49 C.F.R. § 1105.8(c). SEA has not heard from the SHPO regarding its opinion on the potential for the Line to contain properties eligible for listing on the National Register of Historic Places (National Register) pursuant to Section 106 of the National Historic Preservation Act. We are thus recommending a condition requiring CERA to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects within the project right-of-way (the Area of Potential Effect) eligible for listing or listed on the National Register until completion of the Section 106 process.

SEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd/> to identify federally recognized tribes that may have ancestral connections to the project area and that would need to be contacted as part of the Section 106 process. The Miami Tribe of Oklahoma was shown as having a potential interest in the proposed undertaking. A copy of this EA will be sent to the tribe for its review and comment.

Guidance regarding the Board's historic preservation review process is available on the Board's website at <http://www.stb.dot.gov/stb/environment/preservation.html>.

CONDITION

We recommend that the following condition be imposed on any decision granting abandonment authority:

Central Railroad Company of Indianapolis (CERA) shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed on the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f, has been completed. CERA shall report back to the Section of

Environmental Analysis regarding any consultations with the Indiana State Historic Preservation Office, the public, and any other Section 106 consulting parties that have been identified. CERA may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended condition is imposed, abandonment of the Line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this EA, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Catherine Glidden, who prepared this EA. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 511 (Sub-No. 5X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this EA, please contact Catherine Glidden, the environmental contact for this case, by phone at (202) 245-0293, fax at (202) 245-0454, or e-mail at gliddenc@stb.dot.gov.

Date made available to the public: July 27, 2010.

Comment due date: August 11, 2010.

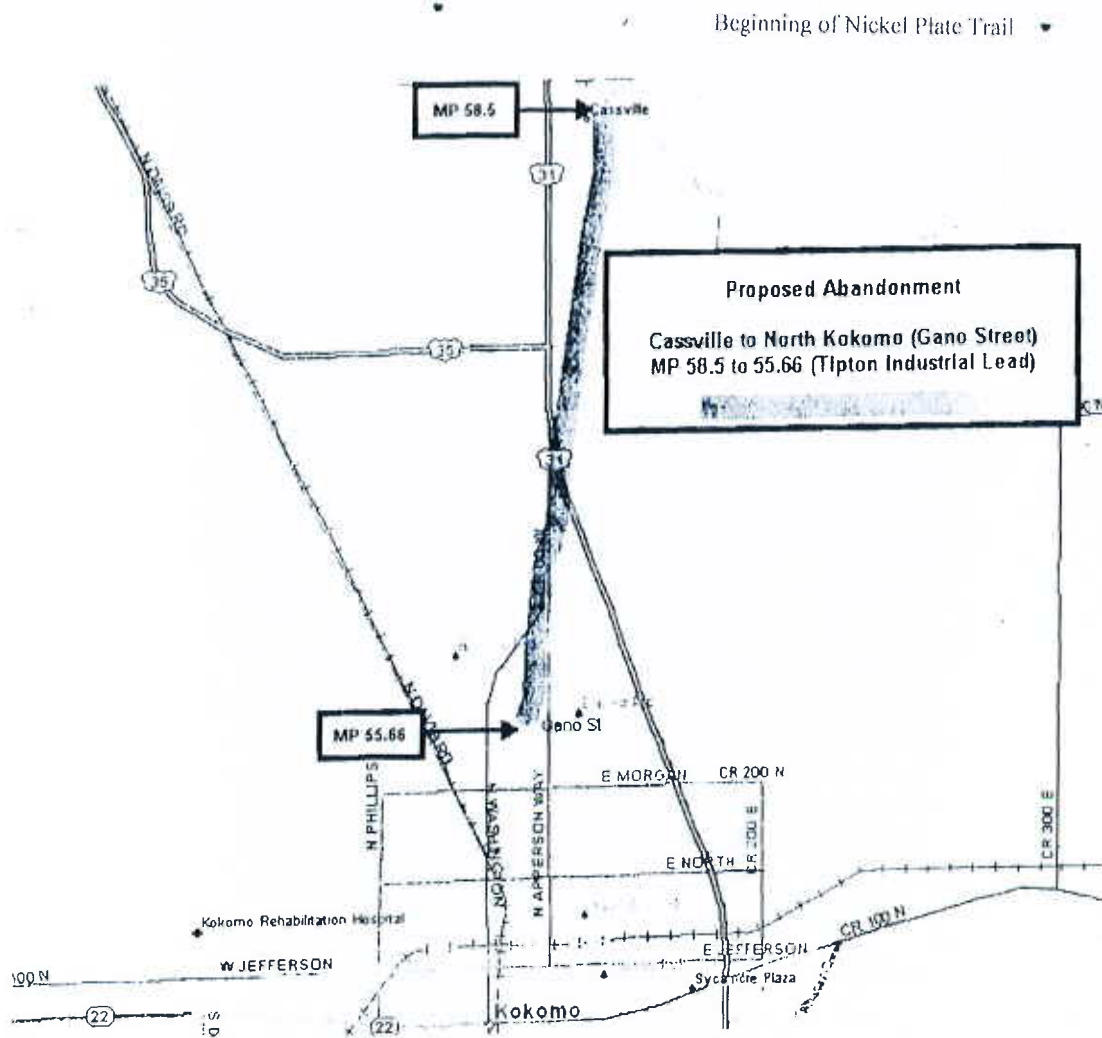
By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Attachment

Proposed Abandonment in STB Docket No. AB 511 (Sub-No. 5X)

Located in Howard County, Indiana

ID#40934



United States Department of Agriculture



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

June 16, 2010

Melanie B. Yasbin
Law Office of Louis E. Gitomer
The Adams Bldg., Ste 301
600 Baltimore Avenue
Towson, MD 21204-4022

Dear Ms. Yasbin:

The revised proposed project to abandon approximately 2.84 miles of railroad between milepost 55.66 and milepost 58.5 in Howard County, Indiana, as referred to in your letter received June 14, 2010, will not cause a conversion of prime farmland.

If you need additional information, please contact Lisa Bolton at 317-290-3200, extension 342.

Sincerely,

ACTING FOR

A handwritten signature in blue ink, appearing to read "Shannon T. Zezula".

SHANNON T. ZEZULA
Acting State Conservationist

Helping People Help the Land

An Equal Opportunity Provider and Employer



Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 • Indianapolis, IN 46204-2739
Phone 317-232-1646 • Fax 317-232-0693 • dhpa@dnr.IN.gov



July 14, 2010

Melanie B. Yasbin
Law Offices of Louis E. Gitomer
The Adams Building, Suite 301
600 Baltimore Avenue
Towson, Maryland 21204-4022

Federal Agency: Surface Transportation Board

Re: Project information regarding a notice of exemption for Central Railroad Company of Indianapolis' abandonment of 2.84 miles on CERA's Tipton Industrial Lead, between milepost 55.66 and milepost 58.5 (DHPA #10072)

Dear Ms. Yasbin:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) and 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has conducted an analysis of the materials dated June 11, 2010 and received on June 14, 2010, for the above indicated project in Center, Clay and Howard townships, Howard County, Indiana.

Based upon the documentation available to the staff of the Indiana SHPO, we have not identified any historic buildings, structures, districts, or objects listed in or eligible for inclusion in the National Register of Historic Places within the probable area of potential effects.

In terms of archaeology, no currently known archaeological resources eligible for inclusion in the National Register of Historic Places have been recorded within the proposed project area. No archaeological investigations appear necessary provided that all project activities remain within areas disturbed by previous construction.

If any archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days. In that event, please call (317) 232-1646. Be advised that adherence to Indiana Code 14-21-1-27 and 29 does not obviate the need to adhere to applicable federal statutes and regulations.

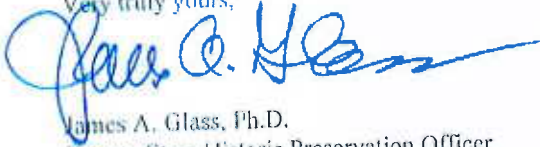
At this time, it would be appropriate for the Surface Transportation Board to analyze the information that has been gathered from the Indiana SHPO, the general public, and any other consulting parties and make the necessary determinations and findings. Please refer to the following comments for guidance:

- 1) If the Surface Transportation Board believes that a determination of "no historic properties affected" accurately reflects its assessment, then it shall provide documentation of its finding as set forth in 36 C.F.R. § 800.11 to the Indiana SHPO, notify all consulting parties, and make the documentation available for public inspection (36 C.F.R. §§ 800.4[d][1] and 800.2[d][2]).
- 2) If, on the other hand, the Surface Transportation Board finds that an historic property may be affected, then it shall notify the Indiana SHPO, the public and all consulting parties of its finding and seek views on effects in accordance with 36 C.F.R. §§ 800.4(d)(2) and 800.2(d)(2). Thereafter, the Surface Transportation Board may proceed to apply the criteria of adverse effect and determine whether the project will result in a "no adverse effect" or an "adverse effect" in accordance with 36 C.F.R. § 800.5.

Melanie B. Yasbin
July 14, 2010
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A copy of the revised 36 C.F.R. Part 800 that went into effect on August 5, 2004, may be found on the Internet at www.achp.gov for your reference. If you have questions about archaeological issues please contact Cathy Draeger-Williams at (317) 234-3791 or cdraeger-williams@dnr.IN.gov. If you have questions about buildings or structures please contact Chad Slider at (317) 234-5366 or cslider@dnr.IN.gov. Additionally, in all future correspondence regarding the above indicated project, please refer to DHPA #10072.

Very truly yours,

A handwritten signature in blue ink, appearing to read "James A. Glass", with a long, sweeping horizontal line extending to the right.

James A. Glass, Ph.D.
Deputy State Historic Preservation Officer

JAG:CWS:CDW:cdw

cc: David C. Navecky, Environmental Protection Specialist, Surface Transportation Board

Melanie Yasbin

From: Simon Monroe [Simon.Monroe@noaa.gov]
Sent: Tuesday, February 24, 2009 5:42 PM
To: Melanie Yasbin
Subject: Re: [NGS Response, STB Docket AB-511 (SUB NO. 04X)]

Thank you for sharing your railroad abandonment environmental report for Kokomo, Howard County, INDIANA.

Approximately 01 geodetic survey marks may be located in the area described.

If marks will be disturbed by the abandonment, [THE RAILROAD] shall consult with the National Geodetic Survey (NGS) at least 90 days prior to beginning salvage activities that will disturb, or destroy any geodetic station marks are described on the attached file. Additional advice is provided at

<http://geodesy.noaa.gov/marks/railroads/>

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