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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

September 6, 2011

State Historic Preservation Officer
Indiana Department of Natural Resources
Division of Historic Preservation & Archeology
402 W. Washington Street, W274
Indianapolis, IN 46204-2739

Re: Delegation of Authority for the Section 106 Review
Finance Docket No. 35523, CSX Transportation, Inc. – Easement Acquisition of
Louisville and Indiana Railroad Company between Indianapolis, Indiana and Louisville,
Kentucky

Dear Sir or Madam,

CSX Transportation, Inc. (CSXT) plans to submit an application to the Surface Transportation Board (Board) seeking Board authority to acquire an easement acquisition from the Louisville and Indiana Railroad Company (LIRC) over 106.5 miles of LIRC rail line between its connection with CSXT in Indianapolis, Indiana and its connection with CSXT in Louisville, Kentucky. Applicants must often consult with the State Historic Preservation Officer (SHPO) in the state where the proposed action is located for SHPO's review and comment prior to filing with the Board. The early consultation allows the applicant to provide more information "upfront" to assist Board staff in considering whether a proposed action would affect any historic sites and structures. This "upfront" review is necessary because of the tight regulatory timeframes established by Congress governing certain actions before the Board.

To ensure that the Board's requirements are consistent with those of National Historic Preservation Act (NHPA), the Board has determined pursuant to 36 CFR Section 800.2(c)(4) and our environmental regulations at 49 CFR 1105, that **applicants seeking authority from the Board may act on behalf of the Board when complying with the Section 106 regulations of NHPA**. Accordingly, applicants and their authorized representatives, such as attorneys acting on their behalf, may consult with SHPOs to initiate the review process under 36 CFR Part 800 and to carry out some of its steps. Specifically, applicants are authorized to gather information to identify and to work with consulting parties to assess effects. The Board retains the responsibility to mitigate adverse effects, document its findings, and conclude the Section 106 review.

Rail applicants and their representatives must involve the Board in consultation whenever:

- There is a disagreement between an applicant or its authorized representatives and SHPO regarding the area of potential effect, identification and evaluation of historic properties, or assessment of effects;
- There is a disagreement between a potential consulting party and the applicant regarding the party's involvement in the Section 106 review process; or
- There is the potential for foreclosure of the opportunity to comment or anticipatory demolition pursuant to 36 CFR Section 800.9(b) and 36 CFR Section 800.9(c), respectively.

The Board has developed historic preservation guidance that explains our historic preservation process in more detail (www.stb.dot.gov/stb/environment/HistoricPreservation/Guidance). General information regarding the Board is available on the Board's website at www.stb.dot.gov.

If you have any questions regarding any of the above, please free to contact me or Kenneth Blodgett of my staff at 202-245-0305 or blodgettk@stb.dot.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria Rutson". The signature is fluid and cursive, with the first name "Victoria" and last name "Rutson" clearly distinguishable.

Victoria Rutson
Chief, Office of Environmental Analysis
Federal Preservation Officer for the Board

cc: Lou Gitomer (CSXT)