

E0 - 2447



RE: FD 35523 Flat Rock River Bridge MOA 

David Navecky to: Louis E. Gitomer

Cc: Vicki Rutson

12/18/2014 08:29 AM

Lou -

SHPO and OEA agree that 100 feet is the appropriate distance. The basis for that value is Indiana's requirement that a Cemetery Plan be prepared for any construction activity within 100 feet of a cemetery. In other words, the state applies the 100-foot radius to known locations of burial remains, and therefore, we feel it is appropriate to apply the 100-foot radius to the unanticipated discovery of burial remains.

Do you have a basis for the 50-foot radius?

Thanks,

Dave

Dave Navecky
Office of Environmental Analysis
Surface Transportation Board
395 E Street SW
Washington, DC 20423
202-245-0294
www.stb.dot.gov

"Louis E. Gitomer" Dave - CSXT believes that a 100 foot radius is t...

12/17/2014 06:14:32 PM

From: "Louis E. Gitomer" <Lou@lgraillaw.com>
To: "David.Navecky@stb.dot.gov" <David.Navecky@stb.dot.gov>,
Date: 12/17/2014 06:14 PM
Subject: RE: FD 35523 Flat Rock River Bridge MOA

Dave - CSXT believes that a 100 foot radius is too expansive, but that a 50-foot radius is acceptable. Is this compromise acceptable? Lou

Louis E. Gitomer
600 Baltimore Avenue, Suite 301
Towson, MD 21204
(410) 296-2250
Lou@lgraillaw.com

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-----Original Message-----

From: David.Navecky@stb.dot.gov [mailto:David.Navecky@stb.dot.gov]
Sent: Thursday, December 04, 2014 8:00 AM

To: Louis E. Gitomer
Subject: Re: FD 35523 Flat Rock River Bridge MOA

Lou -

I have spoken with Cathy Draeger-Williams at the Indiana SHPO's office about your changes. We concur with the deletion of "dating on or before December 31, 1939." However, we both feel that defining the area subject to a stop work order in the event of an unanticipated discovery to the land within a 25-foot radius of the discovery to be too loose. The areal extent of an unanticipated discovery could readily extend beyond a 25-foot radius; and therefore, that radius could provide insufficient protection to the subject discovery. Cathy and I agree that a 100-foot radius would be more appropriate. The 100-foot distance mirrors that used by Indiana to define when a cemetery plan is required (i.e., when ground-disturbing activities would occur within 100-feet of a cemetery).

If these revisions are acceptable to you, I'll circulate the MOA for signature.

Thanks,

Dave

Dave Navecky
Office of Environmental Analysis
Surface Transportation Board
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Washington, DC 20423
202-245-0294
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From: "Louis E. Gitomer" <Lou@lgraillaw.com>
To: "David.Navecky@stb.dot.gov" <David.Navecky@stb.dot.gov>,
Date: 11/28/2014 11:05 AM
Subject: FD 35523 Flat Rock River Bridge MOA

Dave - Attached is a redline of the MOA for the Flat Rock River Bridge. With these minor changes the MOA is acceptable to CSXT. If you have any questions or disagree with the changes, let me know. Thanks. Lou

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[attachment "20141126 Draft MOA Redline.doc" deleted by David Navecky/STB]