



Indiana Department of Natural Resources

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 - Indianapolis, IN 46204-2739
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Frank O'Bannon, Governor
John Goss, Director



October 20, 2003

Louis E. Gritomer
Ball Janik LLP, Suite 225
1455 F Street Northwest
Washington, DC 20005

Federal Agency: Surface Transportation Board ("STB")

Re: Additional information for the discontinuance of service by Toledo, Peoria, & Western Railway Corporation and abandonment by J.K. Line, Inc of the railroad line between milepost 183, near Monterey in Pulaski County, and milepost 199, near North Judson in Starke County (Docket #AB-847 [Sub #1X], AB-856 [Sub #1X])

Dear Mr. Gritomer:

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 September 25, 2003, and received on September 29, 2003, for the above indicated project from Monterey to North Judson, through Tippecanoe, North Bend, California, and Wayne townships, Pulaski and Starke counties, Indiana.

As we indicated in our letter dated August 29, 2003, we believe that the open deck plate girder and double through truss bridge at milepost 186.50 over the Tippecanoe River and the Erie Railroad combination depot in Monterey at the Erie Street / Center Street intersection may meet the criteria of eligibility for inclusion in the National Register of Historic Places.

However, based on the information provided to our office, we believe that there will not be any alterations to the characteristics of the above identified historic properties qualifying them for inclusion in or eligibility for the National Register (*see* 36 C.F.R. § 800.16[i]).

Therefore, upon completing its own identification and evaluation efforts, it would be appropriate for the STB 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. Refer to the following comments for guidance:

- 1) If the STB 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 STB 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 STB 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.

We look forward to receiving notice of the STB's findings. *A copy of the revised 36 C.F.R. Part 800 that went into effect on January 11, 2001, may be found on the Internet at www.achp.gov for your reference.* If you have questions about our comments, please call Shana Kelso of our office at (317) 232-1646.

Very truly yours,



For: Jon C. Smith
Deputy State Historic Preservation Officer

JCS:SNK:snk

cc:  Elaine K. Kaiser, Surface Transportation Board