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April 27, 2010

JOHN H. BROADLEY

Victoria Rutson
Section Chief
Section of Environmental Analysis
Surface Transportation Board
395 E-Street SW
Washington, D.C. 20423

Re: STB Docket AB 295 (Sub-No. 7X), The Indiana Rail Road Company—
Abandonment Exemption—Martin and Lawrence Counties, Indiana

Dear Ms. Rutson:

In its March 26, 2010 decision granting The Indiana Rail Road Company's ("INRD's") Petition for Exemption in the captioned proceeding, the Board imposed several conditions, including the following:

INRD shall: . . .

(3)(a) 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 that are eligible for listing or are listed in the National Register until the section 106 process of the NHPA, 16 U.S.C. 470f, has been completed;

(b) report back to SEA regarding any consultations with the SHPO and the public; and

(c) 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;

INRD believes the section 106 process has been completed and the concerns of the Indiana SHPO have been satisfied as follows:

1. On December 18, 2009 the Indiana SHPO sent a letter to INRD outlining his concerns and requirements. On January 22, 2010, INRD responded to the SHPO's letter of

December 18, 2009. A copy of the SHPO's letter and INRD's response is attached hereto as Exhibit 1. As you will see, INRD answered all of the SHPO's questions and agreed to his conditions.

2. On February 23, 2010, the SHPO wrote to INRD stating that "[b]ased on the information provided to our office, we do not believe the characteristics that qualify the previously identified historic properties for inclusion in the National Register will be diminished as a result of this project with the following [four] conditions:" On April 8, 2010 INRD wrote to the SHPO agreeing to all of the conditions, though requesting a modification of one—a condition that the tunnel on the line in Martin County "must be avoided by all project activities. Rails and ties must remain intact." The condition requested by the SHPO will complicate the recovery of ties from the line as discussed in INRD's letter and seems unrelated to the preservation of the tunnel. A copy of the SHPO's letter of February 23 and INRD's April 8, 2010 reply is attached as Exhibit 2.

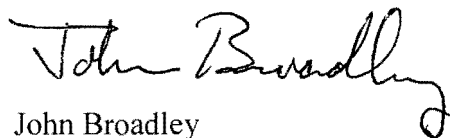
The Indiana SHPO is still considering INRD's request for relief from the condition precluding removal of rail and ties from the tunnel. INRD has agreed to comply with the SHPO's condition if the SHPO decides not to modify it. If the SHPO agrees to modify it, INRD will comply with the modified condition.

The Board's decision also requires INRD to "consult with and notify NGS at least thirty days prior to beginning salvage activities so that NGS may plan for the possible relocation of the geodetic station markers." INRD's contacts with NGS on this matter began in September 2009. I have attached as Exhibit 3 an exchange of correspondence between INRD and Mr. Simon Monroe of the National Geodetic Survey which confirms that no geodetic station markers will be affected by the salvage activities and that NGS is satisfied.

Based on the foregoing, INRD requests that the Board find that the Section 106 process has been completed and remove the condition against filing a consummation notice and commencing salvage operations. INRD will, of course, consult with the Bloomington office of the Fish and Wildlife Service before commencing salvage activities as the Board directed.

The construction season in the Midwest is getting underway and INRD needs to commence salvage of the rail and ties on the Crane-Bedford Line as soon as possible in order to use the salvaged materials to support its rail construction projects. Accordingly, we would like to request expedited action on this matter so that salvage activities can begin on May 10, 2010.

Yours very truly,

A handwritten signature in black ink, appearing to read "John Broadley", written in a cursive style.

John Broadley

Enclosures