

E1-20325



Indiana Department of Natural Resources

Michael R. Pence, Governor
Cameron F. Clark, Director

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 • Indianapolis, IN 46204-2739
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October 3, 2013

David Navecky
Surface Transportation Board
395 E Street, SW, Room 1104
Washington, D.C. 20423

Melanie Yasbin
Law Offices of Louis E. Gitomer, LLC
600 Baltimore Avenue, Suite 301
Towson, Maryland 21204

Federal Agency: Surface Transportation Board

Re: Request for determination of eligibility of Bridge MP 40.19 and Draft Environmental Assessment regarding CSX Transportation, Inc.'s acquisition of an operating easement to allow joint use for CSXT trains to operate over 106.5 miles of the Louisville and Indiana Railroad Company (L&I) rail lines between Indianapolis, Indiana, MP 4.0, and Louisville, Kentucky, MP 110.5 (STB Docket No. FD 35523; DHPA #11979)

Dear Mr. Navecky and 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 August 30, 2013, September 10, 2013, and September 18, 2013; and received by our office on September 3, 2013, September 12, 2013, and September 20, 2013 respectively, for the above indicated project from Indianapolis to the state line in multiple counties of Indiana.

Thank you for providing the Indiana SHPO with a copy of the Draft Environmental Assessment and additional information regarding the current condition of the bridge at MP 40.19, which carries the Louisville & Indiana Railroad over the Flatrock Creek near Columbus, Indiana. Based on the assessment provided by engineer Garry Shook of Civilstar, Inc., in a letter dated September 13, 2013, it is our understanding that the bridge at MP 40.19 has been modified from its original design and it would require substantial additional modification for continued use. It is also our understanding that it is Mr. Shook's opinion that the bridge may not be feasibly repaired or strengthened to meet current railroad standards and the expected speed and load requirements for this line. Despite these factors, the Indiana SHPO believes that the bridge likely retains sufficient integrity to be considered eligible for inclusion in the National Register of Historic Places. Since rehabilitation of the existing structure does not appear to be feasible in this case, we agree with CSXT's recommendation that the bridge be documented prior to its removal, according to the DHPA Minimum Architectural Documentation Standards, as mitigation for the loss of this historic resource.

In terms of archaeological resources, multiple archaeological sites and cemeteries have been recorded adjacent to the existing railroad, including but not limited to sites 12Ma310, 12Jo200, 12Jo201, 12Jo227, 12B362, 12S23, 12S59, 12CI333, Jonesville Cemetery, Old Franklin Cemetery, Riverview Cemetery, Seymour City Cemetery, Pigeon Roost Memorial Cemetery, and a cemetery in Scottsburg. It is our understanding that proposed ground disturbance will be limited to areas within the disturbed ROW and, therefore, no archaeological investigations appear necessary for this project. If any impacts are to occur within 100 feet of a cemetery, a development plan will need to be submitted to and approved by this office.

If any archaeological artifacts or human remains are uncovered during 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.

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 #11979.

Very truly yours,



Mitchell K. Zoll
Deputy State Historic Preservation Officer

MKZ:CDW:CWS:cws

enc: David C. Navecky, Surface Transportation Board
Melanie Yasbin, Law Offices of Louis E. Gitomer