

SURFACE TRANSPORTATION BOARD
Washington, DC 20423

OFFICE OF ECONOMICS, ENVIRONMENTAL ANALYSIS, AND ADMINISTRATION

May 14, 2010

James A. Glass, Ph.D.
Deputy State Historic Preservation Officer
State Historic Preservation Office
Division of Historic Preservation & Archaeology
402 W. Washington Street, W274
Indianapolis, IN 46203-2739

Re: **Finding of No Adverse of Effect**, STB Docket No. AB 295 (Sub-No. 7X), the Indiana Railroad Company - Abandonment Exemption - In Martin and Lawrence Counties, IN

Dear Dr. Glass:

The Surface Transportation Board (Board's) has determined, in consultation with your office and with the Indiana Railroad Company (INRD), that the Board's approval of the above railroad abandonment would not result in adverse effects to National Register of Historic Places (National Register) listed or eligible historic properties pursuant to 36 C.F.R Part 800 of the regulations implementing Section 106 of the National Historic Preservation Act (NHPA). The Board's approval of this railroad abandonment action is considered an undertaking under Section 106 of NHPA. Our determination of **No Adverse Effect** has been made pursuant to Section 36 C.F.R 800.5(b) with the proviso that INRD comply with certain conditions to ensure that no adverse effects would occur as a result of any post abandonment activities. I will explain those conditions in more detail below. I begin with a brief background of this case.

On December 7, 2009, INRD filed a petition with the Board to abandon 22.8 miles of rail line in Martin and Lawrence Counties, IN. In a decision served on March 26, 2010, the Board imposed a historic preservation condition. The condition was recommended by the Board's Section of Environmental Analysis (SEA) in an environmental assessment that was served to the public for review and comment on February 4th, 2010. The condition states the following:

The Indiana Railroad Company, shall 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 (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. The Indiana Railroad Company shall report back to the Section of

Environmental Analysis (SEA) regarding any consultations with the Indiana Department of Natural Resources, Division of Historic Preservation & Archaeology and the public. The Indiana Railroad Company may 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.

The above condition was imposed in order to stay the abandonment proceeding pending resolution of the Section 106 process. Since then, SEA has consulted with your office and INRD and we believe we have come to an agreement on how to proceed. Upon reviewing letters (February 23, 2010 and May 3, 2010) that you provided to the INRD, and in follow-up discussions with your office, we have determined that the following National Register eligible historic properties are located within the Area of Potential Effect for the proposed action:

- 1) The Bedford Industrial Track adjacent to the Milwaukee Railroad Depot (#093-038-27082).
- 2) Archaeological Site 12Mn693 (19th century tunnel) in Martin County.
- 3) Archaeological sites 12Lr275 and 12 Lr457.

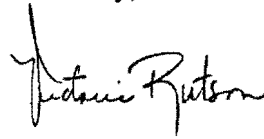
In your February 23, 2010 letter to INRD, you stated that the above historic properties would not be adversely affected as a result of the proposed action as long as INRD complies with the following conditions:

- 1) The portion of the Bedford Industrial Track adjacent to the Milwaukee Road Depot will remain intact.
- 2) The ballast along the section of rail line going through archaeological sites 12Lr275, 12Lr457 and 12Mn693 (tunnel in Martin County) will not be removed.
- 3) In the event that archaeological artifacts or human remains are uncovered, the discovery must be reported to the Department of Natural Resources within 2 business days (317.232.1646).

We have discussed your concerns regarding the above historic properties with INRD and they have agreed to comply with the three conditions. INRD has also agreed to provide your office with a letter indicating that they will comply with the above conditions to confirm the agreement. Once you have received the requisite letter from INRD and indicate to me that you are satisfied with its content, we will recommend that the Board reopen the proceeding and remove the Section 106 condition imposed in this case. Once the condition is removed by a decision of the Board, INRD will be able to move forward with the abandonment of the rail line.

Thank you for your timely and helpful assistance with this abandonment proceeding. If you would like to discuss any of the above in further detail do not hesitate to call me at (202) 245-0295, or Troy Brady, SEA's environmental manager in this case, at (610) 793-4301.

Sincerely,

A handwritten signature in cursive script, appearing to read "Victoria Rutson".

Victoria Rutson
Chief
Section of Environmental Analysis

Cc: John Broadley, INRD