



Kathryn R. Barney
Admitted in Florida

293.597

Law Department
500 Water Street
Speed Code J-150
Jacksonville, FL 32202
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Telephone (904) 359-1305
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September 11, 2008

Via Overnight Express Mail (Return Receipt Requested)

Honorable Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 F. Street, S.W.
Washington, D. C. 20423

RE: Docket No AB-55 (Sub-No 688X), CSX Transportation, Inc -
Abandonment Exemption- in Marion County, IN

Dear Acting Secretary Quinlan

Enclosed are the original and 10 copies of a Verified Notice of Exemption for abandonment in the above-entitled proceeding and the filing fee of \$3,700. Also enclosed is a computer diskette containing the Notice.

Please time and date stamp the additional copy of this letter and return it to me in the enclosed self-addressed, stamped envelope. Thank you for your assistance.

If you have any questions please call or email me.

Sincerely yours,


Kathryn R. Barney

Enclosures



ENTERED
Office of Proceedings
SEP 15 2008
Part of
Public Record

FILED

SEP 15 2008

**SURFACE
TRANSPORTATION BOARD**

FEE RECEIVED

SEP 15 2008

**SURFACE
TRANSPORTATION BOARD**

1

BEFORE THE
SURFACE TRANSPORTATION BOARD



Docket No. AB-55 (Sub-No 688X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN MARION COUNTY, IN

VERIFIED NOTICE OF EXEMPTION

Kathryn R. Barney, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
(904) 359-1305

Steven C. Armbrust, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
(904) 359-1229

Attorneys for: CSX TRANSPORTATION,
INC.

Dated. September 12, 2008

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 688X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN MARION COUNTY, IN

VERIFIED NOTICE OF EXEMPTION

CSX Transportation, Inc. ("CSXT") files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 for CSX1 to abandon a 1.01 mile rail line on its Northern Region, Great Lakes Division, Indianapolis Belt Subdivision, from Milepost QIA 1.11 (English Ave) to the end of track at Milepost QIA 0 1, a distance of 1.01 miles known as the Arlington Industrial Track, Indianapolis, Marion County, Indiana (the "Line"). No local or overhead rail traffic has moved over the Line during the past two years

1. Proposed consummation date. The proposed consummation date is November 1, 2008 (or such later date that is 50 calendar days from the date this Verified Notice of Exemption is received by the Board)

2. Certification required by 49 C.F.R. § 1152.50(b). See Exhibit A

3. Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7), and (8), and (e)(4)

(a) *General.*

- (1) Exact name of applicant CSX Transportation, Inc.
- (2) Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105. CSXT is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.
- (3) Relief sought CSXT seeks to use the class exemption at 49 C.F.R. § 1152.50 to abandon a 1.01 mile rail line on its Northern Region, Great Lakes Division, Indianapolis Belt Subdivision, from Milepost QIA 1.11 (English Ave) to the end of track at Milepost QIA 0.1, a distance of 1.01 miles known as the Arlington Industrial Track, Indianapolis, Marion County, Indiana. There are no stations on the Line.
- (4) Map See Exhibit B.
- (7) Name, title, and address of representative of applicant to whom correspondence should be sent. Kathryn R. Barney, CSX Transportation, Inc., 500 Water Street, J-150, Jacksonville, Florida 32202, (904) 359-1305.
- (8) List of all United States Postal Service ZIP Codes that the line proposed for abandonment traverses. The Line traverses ZIP Code 46219.

(e) Rural and community impact. Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads and highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

CSXT believes that the properties proposed for abandonment may be suitable for other purposes, but may be subject to reversionary interests that may affect transfer of title for other than rail purposes.

4. The level of labor protection. The interests of railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in *Oregon Short Line R Co -- Abandonment -- Goshen*, 360 I.C.C. 91 (1979).

5. Certification Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.11 are attached as Exhibit C (Certificate of Service; Certificate of Publication), Exhibit D (Certificate of Distribution of Environmental Report) and Exhibit E (Certificate of Distribution of Historical Report).

6. Environmental Report. See Exhibit D. Based on information in the possession of CSXT, the Line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

7. Historic Report See Exhibit E

Steven C. Armbrust, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
(904) 359-1229

Respectfully submitted,

A handwritten signature in black ink, reading "Kathryn R. Barney". The signature is fluid and cursive, with the first name "Kathryn" being more prominent than the last name "Barney".

Kathryn R. Barney, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
(904) 359-1305

Attorneys for: CSX TRANSPORTATION.
INC.

Dated: September 11, 2008

EXHIBIT A

**VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

[See attached]

STATE OF FLORIDA)
)
) ss.
COUNTY OF DUVAL)

I hereby certify that no local traffic has moved over CSXT's 1.01-mile rail line on its Northern Region, Great Lakes Division, Indianapolis Belt Subdivision from Railroad Milepost QIA 1.11 to Railroad Milepost QIA 0.1, known as the Arlington Industrial Track in Indianapolis, Marion County, Indiana, for at least two years prior to the date hereof, and that any overhead traffic on the line can be rerouted over other lines. Further, no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period. The foregoing certification is made on behalf of CSXT by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information, and belief of the undersigned.

Ellen M. Preslar
Ellen M. Preslar

SUBSCRIBED AND SWORN TO before me this 1nd day of September, 2008.

My Commission Expires: JUL 23, 2011

nd day of September, 2008.

 Notary Public

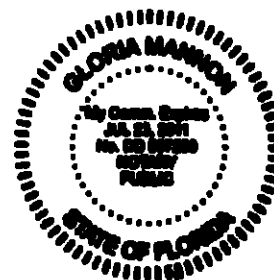


EXHIBIT B

MAP

[See attached]



S. Riley Ave

BEGIN ABANDONMENT
QIA 0.1 (E.O.T.)

40

E. Washington St.

100

S. Shortridge Rd.

Kitley
Industrial
Park

END ABANDONMENT
QIA 1.11

Ford
Motor Co.

English Ave.

465

To Downtown Indianapolis

S. Brookville Rd

Indianapolis Beltline
Subdivision

To Hawthorne Yard

To Hamilton, OH
Indianapolis Subdivision

LEGEND

— CSXT Operating Corridor
— Proposed Abandonment
Total Distance = 1.01 Miles +/-

NORTHERN REGION
GREAT LAKES DIVISION
INDIANAPOLIS BELT SUBDIVISION
PART OF ARLINGTON I.T.
QIA 0.1 - QIA 1.11
STB Docket No AB55-688X

Marion Co.,
Indianapolis

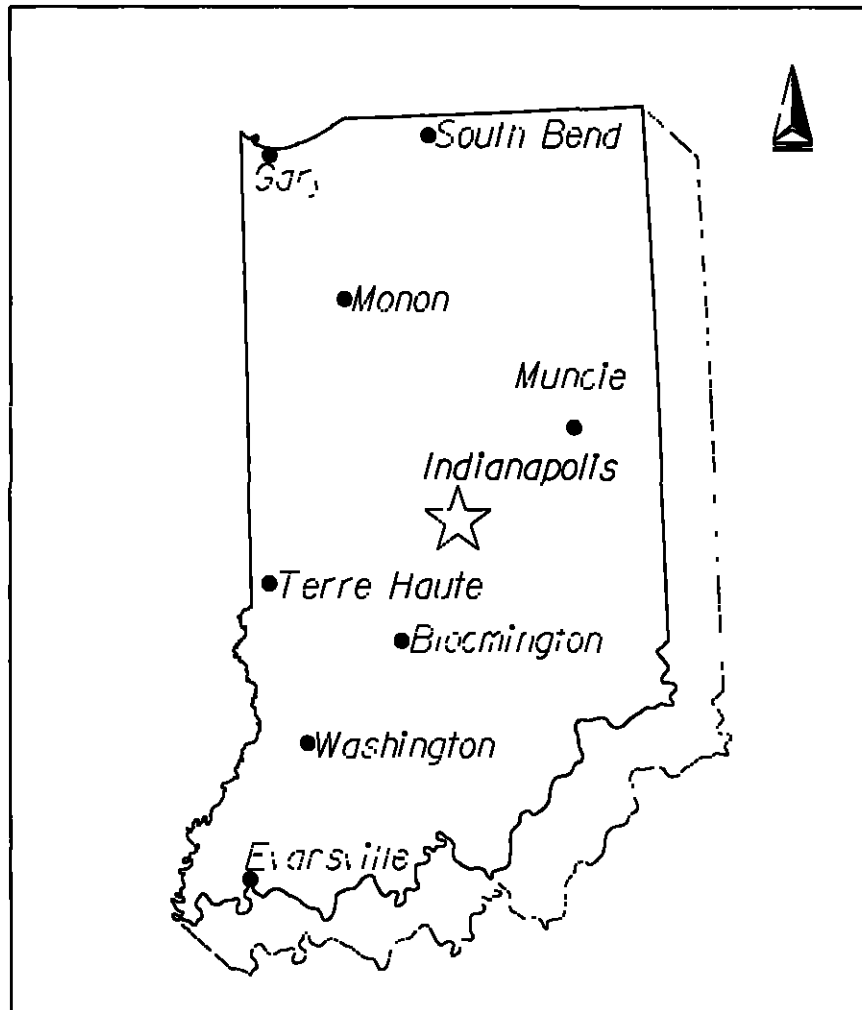
CSX TRANSPORTATION

**Proposed Abandonment of a
Portion of the Arlington I.T.**
QIA 0.1 to CLV 1.01
a distance of 1.01 Miles +/-
Indianapolis, Marion County, Indiana



SCALE: 1" = 1/4 Mile

Revised: July 11, 2008
Drawn By: L. Forwick



AREA MAP

**Proposed Abandonment -
A portion of the Arlington Industrial Track
1.01 Miles (+/-) From Milepost QIA 0.1 - QIM 1.11
STB Docket No. AB55--Sub. No. 688X
Indianapolis, Marion County, Indiana**

EXHIBIT C
CERTIFICATES OF SERVICE AND PUBLICATION

[See attached]

EXHIBIT C

CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.50 (d) (1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 688X) was mailed via DHL overnight express mail on August 29, 2008, to the following parties:

State Public Service Commission

Indiana Department of Transportation
Rail Section
ATTN: Michael Riley
100 North Senate Avenue
Room N955
Indianapolis, Indiana 46204

Military Surface Deployment and Distribution Command

SDDCTEA
ATTN: Railroads for National Defense
720 Thimble Shoals Blvd.
Suite 130
Newport News, VA 23606-2574

National Park Service

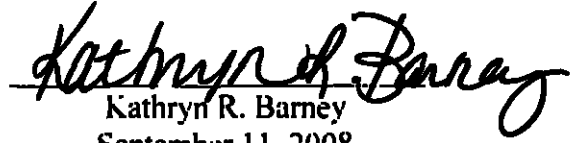
- Mr. Rick Potts, Program Chief
Rivers, Trails and Conservation Assistance Program National Park Service
1849 C Street, NW (Org Code 2240)
Washington, DC 20240-0001

National Park Service

U S Department of Interior
National Park Service
1849 C Street, NW
Washington, D C. 20240-0001

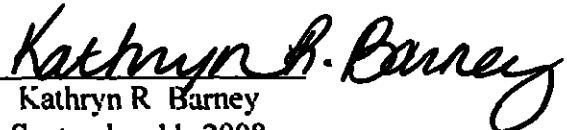
U.S. Department of Agriculture

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor N.W . Auditors' Building
14th Street and Independence Avenue, S W.
Washington, DC 20250


Kathryn R. Barney
September 11, 2008

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 688X) was advertised on September 10, 2008 in the Indianapolis Star, a newspaper of general circulation in Marion County, IN, as required by 49 C.F.R. § 1105.12.



Kathryn R. Barney
September 11, 2008

EXHIBIT D
ENVIRONMENTAL REPORT

[See attached]

ENVIRONMENTAL REPORT

**CSX TRANSPORTATION, INC.
Indianapolis, Marion County, Indiana
Docket AB-55 (Sub-No. 688X)**

The following information is provided in accordance with 49 C.F.R. Section 1105.7:

(1) PROPOSED ACTION AND ALTERNATIVES

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

CSXT proposes to abandon approximately 1.01 mile of its rail line between from Railroad Milepost QIA 1.11 (English Avenue) to the end of track at Railroad Milepost QIA 0.1, known as the Arlington Industrial Track in Indianapolis, Marion County, Indiana.

The above referenced 1.01-mile line has not generated any originating or terminating traffic in over ten years.

Abandonment of this line will result in the removal of the rail, crossties, and possibly the upper layer of ballast. CSXT does not intend to disturb any sub grade or sub grade structures. Finally, the operations and maintenance of this line will cease.

The only alternative would be not to abandon and to pass the opportunity costs of retaining the line to all other CSXT customers. This would not be a prudent utilization of carrier resources.

Two maps which delineate the proposed project are attached. (See Attachments 1 and 2)

Further attached is a distribution list of all parties who have received a copy of this report. (See Attachment 3)

(2) TRANSPORTATION SYSTEM

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

There is no passenger or freight traffic on this line. Since there has not been any traffic on this line in over ten years, there will be no effect on existing regional or local transportation systems or patterns.

(3) LAND USE

- (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.**

Applicant has not received a response to its July 15, 2008 inquiry to Mr. Michael Rodman – Chairman of the Marion County Planning Commission or Mr. Mike Dearing of the Indianapolis Division of Planning requesting information regarding this statement. (See Attachments 4 and 5)

Based on the fact that the line has not generated any traffic in over two years, Applicant believes the proposed action is not inconsistent with local land use plans.

- (ii) Based on consultation with the U. S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.**

Applicant has not received a response to its July 15, 2008 inquiry to the U.S. Department of Agriculture, Natural Resources Conservation Service in Danville, Illinois requesting information regarding this statement. (See Attachment 6)

While some prime farmland may exist in the vicinity of this project, Applicant feels the simple removal of track material should not have an adverse impact.

- (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9.**

Applicant received a response dated July 21, 2008 from Ms. Christie Stanifer of the Indiana Department of Natural Resources in Indianapolis, Indiana stating *"We would like you to know that the review is in process."* (See Attachment 7)

Applicant feels that the simple removal of track material should not have an adverse impact on any coastal zone, land or water uses.

- (iv) **If the proposed action is an abandonment, state whether or not the right of way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.**

The properties proposed to be abandoned may be suitable for other public purposes, but may be subject to reversionary interests that may affect transfer of title for other than rail purposes.

(4) ENERGY

- (i) **Describe the effect of the proposed action on transportation of energy resources.**

The proposed action will have no effect on the movement and/or recovery of energy resources.

- (ii) **Describe the effect of the proposed action on recyclable commodities.**

The proposed action will have no effect on the movement and/or recovery of recyclable commodities.

- (iii) **State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.**

The proposed action will not result in an increase or decrease in overall energy efficiency.

- (iv) **If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.**

There will be no diversion of rail traffic to motor carriage.

(5) AIR

- (i) **If the proposed action will result in either: (A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) an increase in rail yard activity of at least 100% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.**

The above thresholds will not be exceeded.

- (ii) If the proposed action affects a class I or non-attainment area under the Clean Air Act; and will it result in either: (A) an increase in rail traffic of a least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or (B) an increase in rail yard activity of a least 20% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.

The above thresholds will not be exceeded.

- (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity, the frequency of service; safety practices (including any speed restriction); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Not applicable.

(6) NOISE

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) an incremental increase in noise levels of three decibels Ldn or more, or (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

The above thresholds will not be exceeded.

(7) SAFETY

- (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

Applicant believes that the abandonment will result in improvement to public safety by the elimination of two (2) public, at-grade road crossings.

- (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments,

accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

Not applicable.

- (III) If there are any known hazardous waste sites or sites where there have been known hazardous material spills on the right of way, identify the location of those sites and the types of hazardous materials involved.**

Applicant's records do not indicate any known hazardous material spills or hazardous waste sites.

(8) BIOLOGICAL RESOURCES

- (I) Based on consultation with the U. S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.**

Applicant received a response dated July 24, 2008 from Mr. Scott Pruitt of the U.S. Department of the Interior – Fish and Wildlife Service in Bloomington, Indiana stating “Based on a review of the information you provided, the U.S. Fish and Wildlife Service has no objection to the project as currently proposed.” (See Attachment 8)

- (II) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.**

Based upon Applicant's review of the area, the line is not within any wildlife sanctuaries or refuges, National or State parks or forests.

Applicant received a response post marked August 8, 2008 from the National Park Service in Omaha, Nebraska stating *“We have no comment on your proposed action.”* (See Attachment 8A)

(9) WATER

- (I) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.**

Applicant has not received response to its July 15, 2008 inquiry to Mr. Paul Higginbotham – Chief of the Indiana Department of Environmental Management requesting information regarding this statement. (See Attachment 9)

Applicant does not contemplate any action known to be inconsistent with federal, state and/or local water quality standards. Any necessary permits or applications will be obtained as well as compliance with conditions or procedures required by regulatory agencies.

- (II) Based on consultation with the U. S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.**

Applicant has not received a response to its July 15, 2008 request to Ms. Suzanne Davis – Chief of Planning for the U.S. Army Corps of Engineers in Chicago, Illinois requesting information regarding this statement. (See Attachment 10)

Applicant is not aware of any designated wetlands or 100-year flood plains within the proposed project.

Upon receiving abandonment authority, removal of material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. Applicant does not intend to disturb any of the underlying road-bed or perform any activities that would cause sedimentation or erosion of the soil, and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way nor be placed or left in streams or wetlands, or along the banks of such waterways. Also, during track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways. Based upon this course of action, Applicant does not believe a permit under Section 404 of the Clean Water Act will be required

- (iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U. S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required).**

Applicant has not received a response to its June 9, 2008 request to Mr. Ken Westlake of the U.S. Environmental Protection Agency State Office in Chicago, Illinois requesting information regarding this statement. (See Attachment 11)

Based upon the course of action described in Section 9 (ii), Applicant does not believe a permit under Section 402 of the Clean Water Act will be required.

10. MITIGATION

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Applicant does not believe there will be any adverse environmental impacts in the project area as a result of this abandonment. However, Applicant will comply with reasonable State and Federal regulations and obtain any necessary permits required.



E Washington St

S Kitley Ave

BEGIN ABANDONMENT
QIA 0.1 (E O.T.)

40

100

S Shortridge Rd.

Kitley Industrial Park

END ABANDONMENT
QIA 1.11

Ford Motor Co.

English Ave.

465

To Downtown Indianapolis

S Brookville Rd

To Hawthorne Yard

Indianapolis Beltline
Subdivision

To Hamilton, OH
Indianapolis Subdivision

LEGEND

-- CSXT Operating Corridor
— Proposed Abandonment
Total Distance = 1.01 Miles +/-

NORTHERN REGION
GREAT LAKES DIVISION
INDIANAPOLIS BELT SUBDIVISION
PART OF ARLINGTON I.T.
QIA 0.1 - QIA 1.11
STB Docket No. AB55-688X

Marion Co.,
Indianapolis

CSX TRANSPORTATION

**Proposed Abandonment of a
Portion of the Arlington I.T.**

QIA 0.1 to CLV 1.01

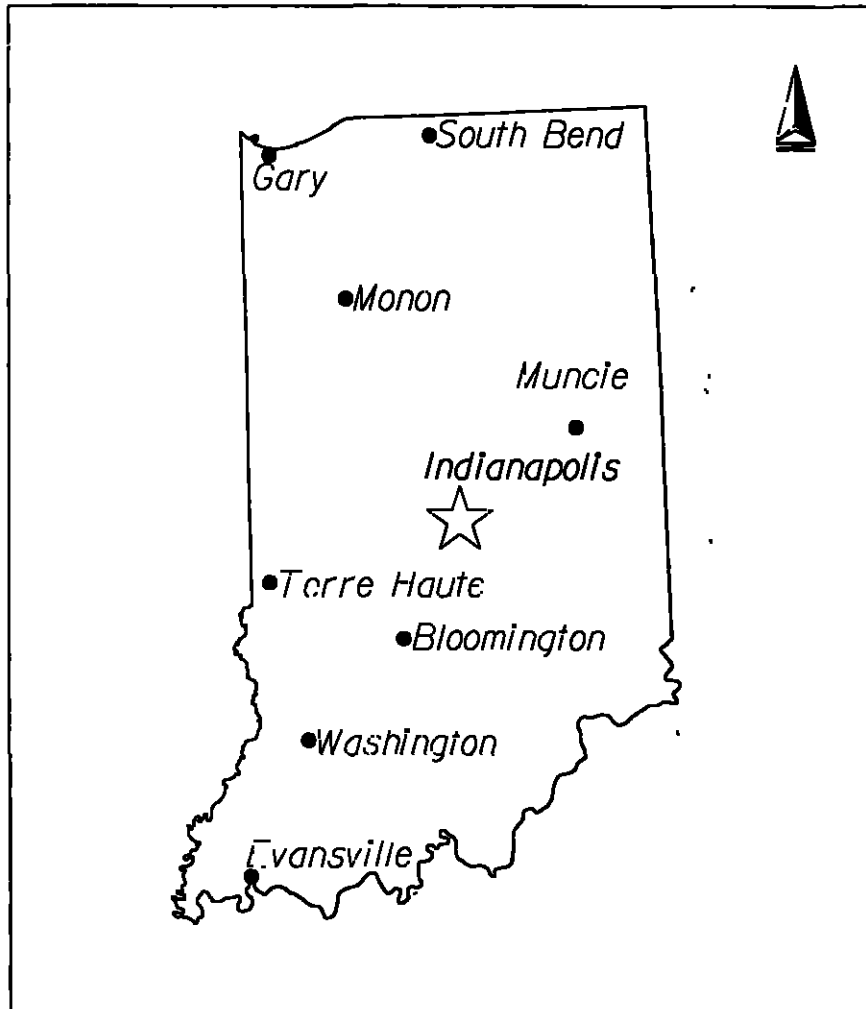
a distance of 1.01 Miles +/-

Indianapolis, Marion County, Indiana



SCALE: 1" = 1/4 Mile

Revised: July 11, 2000
Drawn By: L. Farnick



AREA MAP

Proposed Abandonment -
A portion of the Arlington Industrial Track
1.01 Miles (+/-) From Milepost QIA 0.1 - QIM 1.11
STB Docket No. AB55--Sub. No. 688X
Indianapolis, Marion County, Indiana

Attachment 3

CSX Proposed Abandonment (AB 55 Sub No. 688X) External Distribution List

**Mr. Michael Rodman, Chairman
Marion County Planning Commission
City-County Building
200 East Washington Street
Suite 1060
Indianapolis, IN 46204**

**Mr. Mike Dearing
Indianapolis Division of Planning
City-County Building
200 East Washington Street
Suite 1821
Indianapolis, IN 46204**

**U.S. Environmental Protection Agency
Region 5
Attn. Mr. Ken Westlake (B19J)
77 West Jackson Blvd.
Chicago, IL 60604**

**Mr. Paul Higginbotham, Chief
Indiana Department of Environmental
Management
100 North Senate Street
Room N1255
Indianapolis, IN 46204-2222**

**Mr. Scott Pruitt
U.S. Fish & Wildlife Commission
Bloomington Field Office
620 South Walker Street
Bloomington, IN 47403**

**Ms. Susanne Davis, Chief of
Planning
U.S. Army Corps of Engineers
Chicago District
111 North Canal Street
Suite 600
Chicago, IL 60606-7206**

**USDA – NRCS
Danville Service Center
195 Meadow Drive
Danville, IL 46122-1413**

**National Park Service
Midwest Region
Regional Director
601 Riverfront Drive
Omaha, NE 68102**

**Indiana Department of Natural
Resources
402 West Washington – Room W264
Indianapolis, IN 46204-2784**

**Railroad Section Manager
Indiana Department of Transportation
Multimodal Division
620 South Walker Street
Bloomington, IN 47403**

**National Geodetic Service (NOAA) at
'NGS InfoCenter@noaa.gov' (via email)**



Attachment 4

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 633-1000
FAX: (904) 248-2228
E-Mail: Dave_Geraci@CSX.com

Dave Geraci
Manager - Network Rationalization

July 15, 2008

**Mr. Michael Rodman, Chairman
Marion County Planning Commission
City-County Building
200 East Washington Street
Suite 1060
Indianapolis, IN 46204**

Dear Mr. Rodman:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Railroad Milepost QIA 1.11 (English Ave) to the end of track at Railroad Milepost QIA 0.1, a distance of 1.01 mile known as the Arlington Industrial Track in Indianapolis, Marion County, Indiana, as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(3)(i) require that CSXT develop a response to the following statement:

"Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies."

CSXT would appreciate your advice as to the existence of a long-range comprehensive planning map for Marion County and the line's relationship to such planning.

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity and include any comments received from your office.

Further enclosed, please find a distribution list of all parties that have been copied of the proposed action.

Sincerely,

A handwritten signature in black ink, appearing to be "T. [unclear]", written over a horizontal line.

Attachment



Attachment 5

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 633-1000
FAX: (904) 248-2220
E-Mail: Dave_Geraci@CSX.com

Dave Geraci
Manager - Network Rationalization

July 15, 2008

Mr. Mike Dearing
Indianapolis Division of Planning
City-County Building
200 East Washington Street
Suite 1821
Indianapolis, IN 46204

Dear Mr. Dearing:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Railroad Milepost QIA 1.11 (English Ave) to the end of track at Railroad Milepost QIA 0.1, a distance of 1.01 mile known as the Arlington Industrial Track in Indianapolis, Marion County, Indiana, as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(3)(i) require that CSXT develop a response to the following statement:

"Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies."

CSXT would appreciate your advice as to the existence of a long-range comprehensive planning map for the City of Indianapolis and the line's relationship to such planning.

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity and include any comments received from your office.

Further enclosed, please find a distribution list of all parties that have been copied of the proposed action.

Sincerely,

Attachment

July 15, 2008

USDA - NRCS
Danville Service Center
195 Meadow Drive
Danville, IL 6122-1413

Dear NRCS:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Railroad Milepost QIA 1.11 (English Ave) to the end of track at Railroad Milepost QIA 0.1, a distance of 1.01 mile known as the Arlington Industrial Track in Indianapolis, Marion County, Indiana, as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(3)(ii) require that CSXT develop a response to the following statement:

"Based on consultation with the U. S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land."

Please advise if any of the land contiguous to CSXT's line in the project area is classified as prime agriculture land.

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity and include any comments received from your office.

Further enclosed, please find a distribution list of all parties that have been copied of the proposed action.

Sincerely,



Attachment



Indiana Department of Natural Resources

Mitchell E. Daniels, Jr., Governor
Robert E. Carter Jr., Director

Environmental Unit
Christie Stanifer, Environmental Coordinator
402 West Washington Street, W264
Indianapolis, IN 46204-2641

July 21, 2008

CSX Transportation
Dave Geraci
500 Water Street - J200
Jacksonville, FL 32202

RE: Proposed abandonment of a portion of the Arlington Industrial Track (1.01 miles +/- from milepost QIA 0.1-QIM 1.11), Indianapolis; STB Docket #AB55-Sub #688X CTS-ER-13451

Dear Mr. Geraci:

This is an informational letter in response to your request for an Environmental Review, which was received on July 18, for the above referenced project in Marion County. We would like you to know that the review is in process. Please refer to the above ER # on all future correspondence regarding this project.

Future submittals (no need to submit additional copies for this review if you did not):

We request two (2) entire copies (including cover letter) of your submittal to expedite the review. One copy will be mailed to the region biologist for review regarding fish, wildlife, and botanical resource impacts, and the other copy will be routed through the appropriate staff for review of jurisdictional authority and information regarding state listed species or significant natural features. You will receive only one (1) response letter back after the reviews are complete.

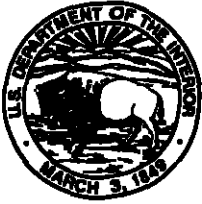
Note: Please include a 3rd copy of the submittal if a response is required from the State Historic Preservation Officer (SHPO). SHPO will respond to the submittal in a separate letter. Or, if a copy of the submittal was sent to SHPO separately, then please indicate that in your submittal.

If you have any questions or comments, please contact me at (317) 232-4160, toll free at (877) 928-3755, or via email at cstanifer@dnr.in.gov. You may also contact Jayme Kennedy, Environmental Secretary, at the numbers above or at jkennedy@dnr.in.gov

Sincerely,

A handwritten signature in black ink that reads "Christie L. Stanifer". The signature is written in a cursive, flowing style.

Christie L. Stanifer
Environmental Coordinator
Division of Fish and Wildlife



United States Department of the Interior
Fish and Wildlife Service



Bloomington Field Office (ES)
620 South Walker Street
Bloomington, IN 47403-2121
Phone. (812) 334-4261 Fax (812) 334-4273

July 24, 2008

Mr Dave Geraci
CSX Transportation
500 Water Street - J200
Jacksonville, FL 32202

Project No: Abandonment of rail line - Arlington Industrial Track
County(ies): Marion

Dear Mr. Geraci

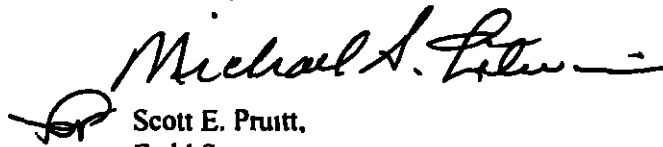
This responds to your letter dated July 15, 2008, requesting our comments on the aforementioned project.

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) and are consistent with the intent of the National Environmental Policy Act of 1969, the Endangered Species Act of 1973, and the U. S. Fish and Wildlife Service's Mitigation Policy.

Based on a review of the information you provided, the U.S. Fish and Wildlife Service has no objections to the project as currently proposed. This precludes the need for further consultation on this project as required under Section 7 of the Endangered Species Act of 1973, as amended. However, should new information arise pertaining to project plans or a revised species list be published, it will be necessary for the Federal agency to reinstate consultation.

We appreciate the opportunity to comment at this early stage of project planning. If project plans change such that fish and wildlife habitat may be affected, please recoordinate with our office as soon as possible. If you have any questions about our recommendations, please call (812)334-4261.

Sincerely yours,


Scott E. Pruitt,
Field Supervisor

Environmental Coordinator
National Park Service
Midwest Regional Office
601 Riverfront Drive
Omaha, NE 68102



01/02/07,59
\$00.420
8/18/2008
010 8 3102
U.S. POSTAGE

Attachment 8A

CSX Transportation
500 Water Street – J200
Jacksonville, Florida 32202



Re Abandonment of Arlington Industrial Track, Marion County, Indiana

We have received your letter of July 11, 2008 concerning the above referenced project

- ☒ We have no comment on your proposed actions
- ☒ Please address any further correspondence about this project or any project to the following address

Regional Environmental Coordinator
National Park Service
Midwest Regional Office
601 Riverfront Drive
Omaha, NE 68102

Due to limited staff and the number of requests we receive for early coordination, we ask that companies/agencies assume we will have no comments on projects if they have not heard from us within 30 days of our receipt of the request

Thank you,

Regional Environmental Coordinator



Attachment 9

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 633-1068
FAX: (904) 248-2228
E-Mail: Dave_Geraci@CSX.com

Dave Geraci
Manager - Network Rationalization

July 15, 2008

Mr. Paul Higginbotham, Chief
Indiana Department of Environmental Management
100 North Senate Street
Room N1255
Indianapolis, IN 46204-2222

Dear Mr. Higginbotham:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Railroad Milepost QIA 1.11 (English Ave) to the end of track at Railroad Milepost QIA 0.1, a distance of 1.01 mile known as the Arlington Industrial Track in Indianapolis, Marion County, Indiana, as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (9) (i) and (iii) require that CSXT develop a response to the following statements:

(i) "Based on consultation with State Water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies."

(iii) State whether permits under Section 402 of the Clean Water Act 33 U.S.C. 1342 are required for the proposed action."

There are no refueling or maintenance areas within the project area. The removal of CSXT's rail material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. CSXT does not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any watercourses.

Based upon the above described actions, CSXT would appreciate receiving your concurrence with its position that the proposed project is consistent with applicable Federal, State and local water quality standards, and that no permits under Section 402 are required at this time.

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity (as stated above) and include any comments received from your office.

Further enclosed, please find a distribution list of all parties that have been copied of the proposed action.

Sincerely,

Attachment

July 15, 2008

Ms. Susanne Davis, Chief of Planning
U.S. Army Corps of Engineers
Chicago District
111 North Canal Street
Suite 600
Chicago, IL 60606-7206

Dear Ms. Davis:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Railroad Milepost QIA 1.11 (English Ave) to the end of track at Railroad Milepost QIA 0.1, a distance of 1.01 mile known as the Arlington Industrial Track in Indianapolis, Marion County, Indiana, as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(9)(ii) require that CSXT develop a response to the following statement:

"Based on consultation with the U. S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100 year flood plains will be affected. Describe the effects."

It is CSXT's opinion that there will be no impact on designated wetlands or 100-year flood plains because our intent at this time is to only remove CSXT's metal track material, crossties and perhaps the upper layer of ballast, and to preserve the existing routes of water flow and drainage. CSXT does not intend to disturb any of the underlying roadbeds or perform any activities that would cause sedimentation or erosion of the soil, and CSXT does not anticipate any dredging or use of fill in the removal of the track material. The track removal will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways.

Based upon the above described actions, CSXT would appreciate your concurrence in its position that there would be no adverse impact on wetlands or 100-year flood plains, and that no permits under Section 404 will be required.

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity (as stated above) and include any comments received from your office.

Further enclosed, please find a distribution list of all parties that have been copied of the proposed action.

Sincerely,



Attachment



Attachment 11

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 633-1668
FAX: (904) 248-2226
E-Mail: Dave_Geraci@CSX.com

Dave Geraci
Manager - Network Rationalization

July 15, 2008

U.S. Environmental Protection Agency
Region 5
Attn: Mr. Ken Westlake (B19J)
77 West Jackson Blvd.
Chicago, IL 60604

Dear Mr. Westlake:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Railroad Milepost QIA 1.11 (English Ave) to the end of track at Railroad Milepost QIA 0.1, a distance of 1.01 mile known as the Arlington Industrial Track in Indianapolis, Marion County, Indiana, as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (9) (i) and (iii) require that CSXT develop a response to the following statements:

(i) "Based on consultation with State Water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies."

(iii) State whether permits under Section 402 of the Clean Water Act 33 U.S.C. 1342 are required for the proposed action."

There are no refueling or maintenance areas within the project area. The removal of CSXT's rail material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. CSXT does not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any watercourses.

Based upon the above described actions, CSXT would appreciate receiving your concurrence with its position that the proposed project is consistent with applicable Federal, State and local water quality standards, and that no permits under Section 402 are required at this time.

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity (as stated above) and include any comments received from your office.

Further enclosed, please find a distribution list of all parties that have been copied of the proposed action.

Sincerely,

Attachment

**ENVIRONMENTAL REPORT
CERTIFICATE OF SERVICE**

Pursuant to the requirements of 49 C.F.R. § 1105.7, the undersigned hereby certifies that a copy of the Environmental Report in Docket No. AB-55 (Sub-No. 688X) was mailed via first class mail on August 7, 2008 to the following parties:

Mr. Michael Rodman, Chairman
Marion County Planning Commission
City-County Building
200 East Washington Street
Suite 1060
Indianapolis, IN 46204

Mr. Mike Dearing
Indianapolis Division of Planning
City-County Building
200 East Washington Street
Suite 1821
Indianapolis, IN 46204

U.S. Environmental Protection Agency
Region 5
Attn: Mr. Ken Westlake (B19J)
77 West Jackson Blvd
Chicago, IL 60604

Mr. Paul Higginbotham, Chief
Indiana Department of Environmental Management
100 North Senate Street
Room N1255
Indianapolis, IN 46204-2222

Mr. Scott Pruitt
U.S. Fish & Wildlife Commission
Bloomington Field Office
620 South Walker Street
Bloomington, IN 47403

Ms. Susanne Davis, Chief of Planning
U.S. Army Corps of Engineers
Chicago District
111 North Canal Street
Suite 600
Chicago, IL 60606-7206

USDA – NRCS
Danville Service Center
195 Meadow Drive
Danville, IL 46122-1413

National Park Service
Midwest Region
Regional Director
601 Riverfront Drive
Omaha, NE 68102

Indiana Department of Natural Resources
402 West Washington – Room W264
Indianapolis, IN 46204-2784

Railroad Section Manager
Indiana Department of Transportation
Multimodal Division
620 South Walker Street
Bloomington, IN 47403

DOC / NOAA
National Geodetic Service
(via email at NGS.InfoCenter@noaa.gov)


Kathryn R. Barney
September 11, 2008

EXHIBIT E
HISTORIC REPORT

[See attached]



Dave Geraci
Manager - Network Rationalization

500 Water Street - J200
Jacksonville, FL 32202
Tel. (904) 633-1068
Fax (904) 246-2228
E-Mail: Dave_Geraci@csx.com

July 14, 2008

Dr. Jim Glass, SHPO
Indiana Department of Natural Resources
402 West Washington Street
Indiana Government Center South
Room W274
Indianapolis, IN 46204

RE: CSX Transportation, Inc.
Proposed Line Abandonment
Vigo County, Indiana
Docket AB-55 (Sub-No. 674X)

Dear Dr. Glass:

Please be advised that on September 12, 2008, CSX Transportation, Inc. (CSXT) expects to file with the Surface Transportation Board ("Board") a Notice of Exemption seeking authority to abandon 1.01 mile of railroad from Railroad Milepost QIA 1.11 (near English Ave) to the end of track at Railroad Milepost 0.1 known as a portion of the Arlington Industrial Track in Marion County, Indiana, as shown in the attached historic report.

In connection with rail lines that are to become the subject of applications for authority to abandon, Federal Regulations at 49 CFR 1105.8(d), require that a Historic Report be submitted to the State Historic Preservation Officer prior to filing with the Surface Transportation Board.

In accordance with those Regulations, I am attaching a Historic Report covering the above proposed abandonment. Since there are no structures 50 years old or older within the proposed limits, I would appreciate receiving a letter from your office confirming that this project will have no impact upon cultural resources.

If you have questions, please feel free to call me.

Sincerely,

Attachments

Copy: STB - SEA, 395 East Street SW, Washington, DC 20423

HISTORIC REPORT

CSX TRANSPORTATION, INC.
(Arlington Industrial Track, Marion County, Indiana)
DOCKET AB-55 (SUB-NO. 688X)

1105.7(c)(1)

PROPOSED ACTION AND ALTERNATIVES. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable detailed map and drawings clearly delineating the project.

CSXT proposes to abandon approximately 1.01 mile of its rail line between from Railroad Milepost QIA 1.11 (English Avenue) to the end of track at Railroad Milepost QIA 01, known as the Arlington Industrial Track in Indianapolis, Marion County, Indiana

The above referenced 1.01-mile line has not generated any originating or terminating traffic in over ten years.

Abandonment of this line will result in the removal of the rail, crossties, and possibly the upper layer of ballast. CSXT does not intend to disturb any sub grade or sub grade structures. Finally, the operations and maintenance of this line will cease.

The only alternative would be not to abandon and to pass the opportunity costs of retaining the line to all other CSXT customers. This would not be a prudent utilization of carrier resources.

Two maps which delineate the proposed project are attached. (See Attachments 1 and 2)

1105.8(d)

- (1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action.

Attached is a copy of the Indianapolis East topographic map prepared by the U. S. Department of Interior Geological Survey prepared by the U. S. Department of Interior Geological Survey.

The line to be abandoned has been identified by a black and red dashed line (See Attachment 3)

There are no CSXT-owned structures that are 50 years old or older which may be eligible for listing in the National Register that are part of the proposed action.

- (2) **A written description of the right of way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristic of the surrounding area:**

The right of way is approximately 75 feet from the centerline of track. The line runs through a light commercial and residential portion of Indianapolis. There does not appear to be any significant characteristics of the surrounding area.

- (3) **Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:**

Not applicable. There are no CSXT-owned structures on the line segment that are 50 years old or older.

- (4) **The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known:**

Not applicable.

- (5) **A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:**

This property was acquired and operated by the Pittsburgh, Cincinnati, Chicago & St. Louis Railway (PCC&STL) between 1917 and 1921. Through a series of mergers and acquisitions the PCC&STL was acquired by the Pennsylvania Central Railway which eventually became part of Consolidated Rail Corporation (Conrail).

In 1999, CSX Corporation, CSX Transportation's (CSXT) parent company, and Norfolk Southern Corporation (NS) jointly acquired control of Conrail Inc., and its wholly owned subsidiary, Consolidated Rail Corporation (Conrail).

As a result of the proposed action, CSXT operation of the line will cease. There is an opportunity through the regulatory process for other carriers to acquire the line for continued operations.

- (6) **A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic:**

Not applicable.

- (7) **An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):**

A review of our records indicates there are no CSXT-owned structures over 50 years old on this line segment that may be eligible for listing in the National Register.

CSXT does not know of any archeological resources or any other previously unknown historic properties in the project area.

- (8) **A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or man-made) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.**

The line was disturbed during construction by cuts and fill and any archeological resources that may have been located in the proposed project area would have been affected at that time versus during the proposed salvage operations associated with rail removal. Our records do not indicate that any swampy conditions exist, or that any hazardous material spills have occurred within the project area.



S Kitley Ave

BEGIN ABANDONMENT
QIA 0.1 (E.O.T.)

E Washington St

40

100

S Shortridge Rd

Kitley Industrial Park

END ABANDONMENT
QIA 1.11

Ford Motor Co.

English Ave

465

To Downtown Indianapolis

S Brookville Rd

To Hawthorne Yard

Indianapolis Beltline Subdivision

To Hamilton, OH
Indianapolis Subdivision

LEGEND

— CSXT Operating Corridor
— Proposed Abandonment
Total Distance = 1.01 Miles +/-

NORTHERN REGION
GREAT LAKES DIVISION
INDIANAPOLIS BELT SUBDIVISION
PART OF ARLINGTON I.T.
QIA 0.1 - QIA 1.11
STB Docket No. AB55-688X

Marion Co.,
Indianapolis

CSX TRANSPORTATION

**Proposed Abandonment of a
Portion of the Arlington I.T.**

QIA 0.1 to CLV 1.01

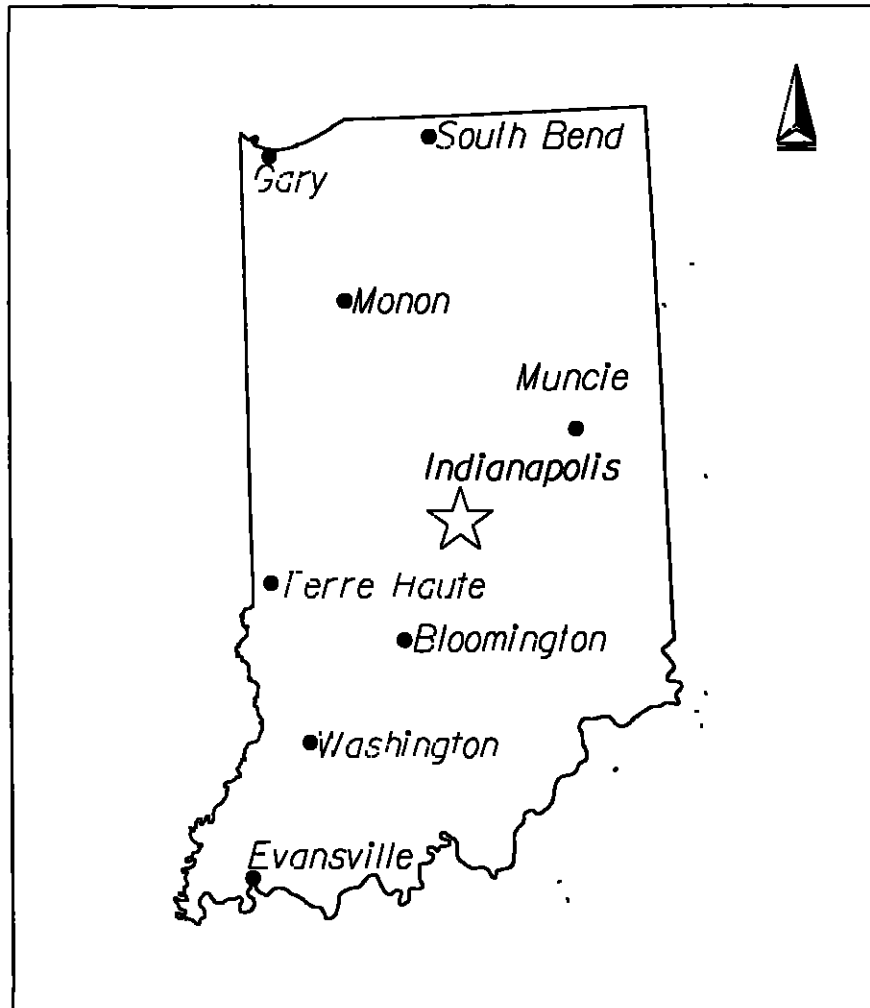
a distance of 1.01 Miles +/-

Indianapolis, Marion County, Indiana



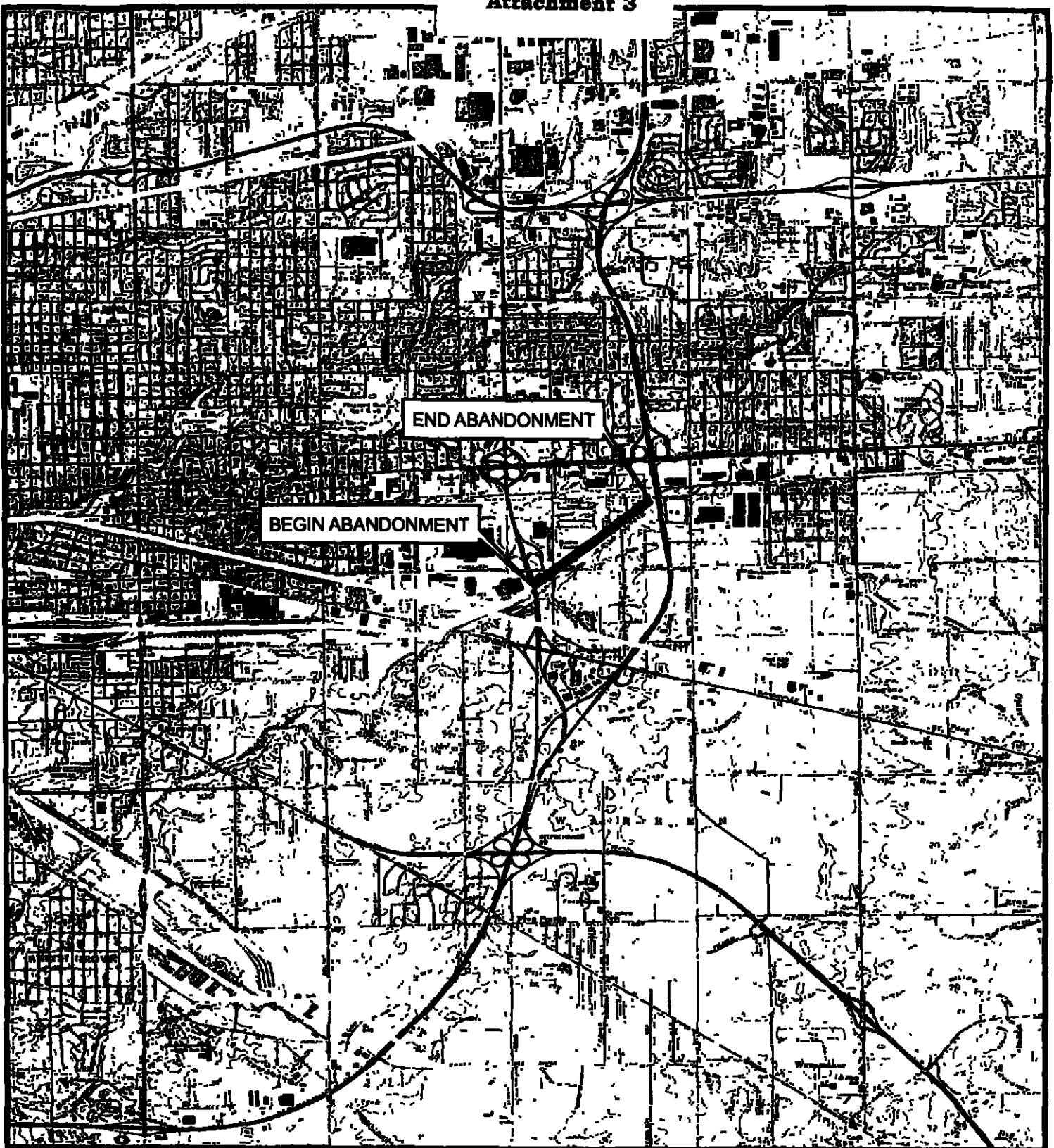
SCALE: 1" = 1/4 Mile

Revised July 11, 2008
Drawn By L. Fenwick



AREA MAP

Proposed Abandonment -
A portion of the Arlington Industrial Track
1.01 Miles (+/-) From Milepost QIA 0.1 - QIM 1.11
STB Docket No. AB55--Sub. No. 688X
Indianapolis, Marion County, Indiana



Approximate Latitude and Longitude at Milepost QIA 1.0 - ARLINGTON I.T.
 86°02'19.681"W, 39°45'44.150"N

Legend

SUBJECT Topo: USGS 100k INDIANAPOLIS EAST Quad (USGS_QD_ID: 39086-G1)
CSX Projection is: GCS_WGS_1984 - UTM 17 (NAD83)

CSX
 REAL PROPERTY
 GIS MAPPING SERVICES
 Drawn By L. Fenwick
 Rev Date July 11, 2008



Indiana Department of Natural Resources

Mitchell E. Daniels, Jr., Governor
Robert E. Carter, Jr., Director

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 Indianapolis, IN 46204-2739
Phone 317-232-1646 • Fax 317-232-0693 • dhpa@dnr.IN.gov



August 14, 2008

Dave Geraci
Manager – Network Rationalization
CSX Transportation
500 Water Street – J200
Jacksonville, Florida 32202

Federal Agency Surface Transportation Board

Re Project information regarding the abandonment of 1.01 mile of railroad known as a portion of the Arlington Industrial Track [AB-55(SUB-NO 688X)], DHPA #4617)

Dear Mr. Geraci:

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 July 14, 2008 and received on July 18, 2008 for the above indicated project in Indianapolis, Warren Township, Marion County, Indiana.

Based upon the documentation available to the staff of the Indiana SHPO, we have not identified any historic buildings, structures, districts, objects, or archaeological resources listed in or eligible for inclusion in the National Register of Historic Places within the probable area of potential effects.

This identification is subject to the following condition:

- The project activities remain within areas disturbed by previous construction.

If any archaeological artifacts or human remains are uncovered during construction, demolition, or 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.

At this time, it would be appropriate for the Surface Transportation Board 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. Please refer to the following comments for guidance:

- 1) If the Surface Transportation Board 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 Surface Transportation Board 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 Surface Transportation Board 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.

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 Laura Black at (317) 232-1650 or lblack@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 DIIPA #4617.

Very truly yours,



James A. Glass, Ph.D.
Deputy State Historic Preservation Officer

JAG/LRB/CWS/lws

cc: David C. Navecky, Surface Transportation Board

**HISTORIC REPORT
CERTIFICATE OF SERVICE**

Pursuant to the requirements of 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Historic Report in Docket No. AB-55 (Sub-No. 688X) was mailed via first class mail on July 15, 2008, to the following parties:

Dr. Jim Glass, SHPO
Indiana Department of Natural Resources
402 West Washington Street
Indiana Government Center south
Room W274
Indianapolis, IN 46204


Kathryn R. Barney
September 11, 2008