

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE, NW
SUITE 300
WASHINGTON DC 20037

TELEPHONE (202) 663-7820
FACSIMILE (202) 663-7849

ROBERT A. WIMBISH

ENTERED
Office of Proceedings

OCT 17 2013

Part of
Public Record

October 17, 2013

234957

(202) 663-7824 (Direct Dial)
E-Mail rwimbish@bakermiller.com

BY HAND DELIVERY

Cynthia T. Brown, Chief
Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington DC 20423-0001



Re. *Norfolk Southern Railway Company – Abandonment Exemption – In St. Joseph County, Indiana*, STB Docket No. AB-290 (Sub-No 349X)

Dear Ms. Brown:

Pursuant to the Board's abandonment class exemption procedures for lines with no local business for at least two years (49 C.F.R. part 1152, subpart F), enclosed are an original and 11 copies of a verified abandonment notice of exemption for the abandonment of a rail line owned by Norfolk Southern Railway Company

A check in the amount of \$3,900.00 is enclosed to cover the applicable filing fee.

Please acknowledge receipt and filing of this notice of exemption by date stamping the enclosed eleventh copy and returning it to the courier to return to me.

Sincerely,

FILED

OCT 17 REC'D

**SURFACE
TRANSPORTATION BOARD**

Enclosures

cc: Maquiling Parkerson, Marc Kirchner, LaWada Poarch

R. A. Wimbish

Robert A. Wimbish
Attorney for Norfolk Southern
Railway Company

RECEIVED

OCT 17 2013

TRANSPORTATION BOARD

234957

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-290 (Sub-No. 349X)

**NORFOLK SOUTHERN RAILWAY COMPANY
- ABANDONMENT EXEMPTION -
IN ST. JOSEPH COUNTY, INDIANA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

**ENTERED
Office of Proceedings
OCT 17 2013
Part of
Public Record**



**FILED
OCT 17 2013
SURFACE
TRANSPORTATION BOARD**

**FILE RECEIVED
OCT 17 2013
SURFACE
TRANSPORTATION BOARD**

**Robert A. Wimbish
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW
Suite 300
Washington, DC 20037
Tel: (202) 663-7824
Fax: (202) 663-7849**

October 17, 2013

Attorney for Norfolk Southern Railway Company

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-290 (Sub-No. 349X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN ST. JOSEPH COUNTY, INDIANA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

Norfolk Southern Railway Company ("NSR") hereby submits a verified notice of exemption pursuant to 49 C.F.R. part 1152, subpart F (Exempt Abandonments and Discontinuances of Service and Trackage Rights) for NSR to abandon a total of approximately 1.5 miles of rail line (hereinafter, the "Line") located in the City of South Bend, St. Joseph County, Indiana, extending easterly from milepost PY 1.90 (near the intersection of Prairie Ave and Edward St.) to milepost PY 2.60/PM 181.80 (near Franklin St. and W Indiana Ave.), and from there southward to milepost PM 181.00 (to the west of W Woodside Street). The Line traverses United States Postal Zip Code territories 46613 and 46614.

In accordance with the requirements of 49 C.F.R. §§ 1152.50(b) and (d), NSR provides the following information in support of this notice of abandonment:

Certification: 49 C.F.R. § 1152.50(b)

NSR certifies that the Line satisfies the criteria for abandonment under the exemption provisions at 49 C.F.R. part 1152, subpart F. See Certification of R A. Bartle, General Manager Northern Region, Norfolk Southern Railway Company (Exhibit A). During the past two years,

NSR has provided no local or overhead common carrier service over the Line, nor has it received any requests for common carrier service over it.

Proposed Consummation Date: 49 C.F.R. § 1152.50(d)(2)

The proposed abandonment will be consummated on or after December 6, 2013 (50 days after filing the notice of exemption)

Additional Information Required: 49 C.F.R. §§ 1152.22(a)(1)-(4), (7)-(8) and (c)(4)

Exact name of applicant (49 C.F.R. § 1152.22(a)(1)):

Norfolk Southern Railway Company

Whether applicant is a common carrier by railroad (49 C.F.R. § 1152.22(a)(2)):

NSR is a Class I common carrier by railroad subject to the Board's jurisdiction under 49 U.S.C. Subtitle IV.

Relief sought (49 C.F.R. § 1152.22(a)(3)):

NSR hereby invokes the Board's two-year-out-of-service class exemption procedures to abandon approximately 1.5 miles of inactive rail line (the Line) located in the City of South Bend, St. Joseph County, Indiana. The Line extends from milepost PY 1.90 (near the intersection of Prairie Ave. and Edward St.) to milepost PY 2.60/PM 181.80 (near Franklin St. and W Indiana Ave.), and from there southward to milepost PM 181.00 (to the west of W Woodside Street).¹ NSR has agreed to undertake the subject abandonment to facilitate local economic development plans by the City of South Bend.

Map (49 C.F.R. § 1152.22(a)(4)):

A detailed map showing the location of the Line is attached hereto as Exhibit B.

¹ As is reflected in the "PY" and "PM" milepost alpha prefixes, the subject Line is comprised of interconnecting rail line segments that once were part of separate rail routes. Over time and as a result of prior rail line abandonments, the subject interconnecting line segments have become "integrated," forming part of a stub-ended branch line.

Applicant's representative (49 C.F.R. § 1152.22(a)(7)).

NSR's representative to whom correspondence regarding this proceeding should be sent is as follows:

Robert A. Wimbish
BAKER & MILLER PLLC
2401 Pennsylvania Ave , NW, Suite 300
Washington, DC 20037
Tel: (202) 663-7824
Fax: (202) 663-7849

USPS ZIP codes (49 C.F.R. § 1152.22(a)(8)):

The Line is located in the following United States Postal Zip Code territories 46613 and 46614.

Suitability of the Line for Other Public Purposes (49 C.F.R. § 1152.22(c)(4)):

NSR has agreed to undertake the subject abandonment to facilitate local economic development plans by the City of South Bend. NSR may not have fee title to the entire rights-of-way for the Line it proposes to abandon, which could affect future public use should NSR consummate the proposed abandonment. The Line does not contain federally-granted rights-of-way. As appropriate, NSR is willing promptly to make available any information in their possession to anyone so requesting it.

Labor Protection

Because the Line has been out of service for over two years, it is unlikely that any railroad employees will be adversely affected by exercise of abandonment authority. However, as a condition to exercise of the authority permitted in this matter, NSR will accept the imposition of standard labor protective conditions as set forth in Oregon Short Line R. Co – Abandonment – Goshen, 360 I.C.C. 91 (1979)

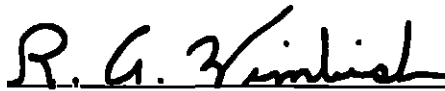
Certifications

Attached hereto as Exhibit C are Certificates of Service and Publication certifying compliance with the advance notice and newspaper publication requirements set forth at 49 C.F.R. § 1152.50(d)(1) and 49 C.F.R. § 1105.12, respectively. Attached as Exhibit D is a certificate of compliance with the advance notice requirements for Environmental and Historic Reports as set forth at 49 C.F.R. § 1105.11.

Environmental and Historic Report

As is reflected in the certificate of compliance with the provisions of 49 C.F.R. § 1105.11 (Exhibit D), NSR has prepared a combined Environmental and Historic Report ("E&HR") in anticipation of the proposed abandonment of the Line, which conforms to the requirements of 49 C.F.R. §§ 1105.7 and 1105.8. A copy of the E&HR is attached hereto as Attachment 1 to Exhibit D (§ 1105.11 certification).

Respectfully submitted,



Robert A. Wimbish
BAKER & MILLER PLLC
2401 Pennsylvania Ave, NW
Suite 300
Washington, DC 20037
Tel: (202) 663-7824
Fax (202) 663-7849

Attorney for Norfolk Southern Railway Company

October 17, 2013

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-290 (Sub-No. 349X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN ST. JOSEPH COUNTY, INDIANA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

VERIFICATION

Verification

I, John Friedmann, Vice President for Norfolk Southern Railway Company ("NSR"), hereby verify under penalty of perjury that to the best of my knowledge the foregoing abandonment notice of exemption is true and correct. Further, I certify that I am qualified and authorized to make such verification on behalf of NSR in connection with this proceeding before the Surface Transportation Board.

Executed this 13th day of September, 2013.



John H. Friedmann
Vice President

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-290 (Sub-No. 349X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN ST. JOSEPH COUNTY, INDIANA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

EXHIBIT A

NSR CERTIFICATION

CERTIFICATION

STATE OF GEORGIA:

ss.

CITY OF ATLANTA:

R. A. Bartle makes oath and says that he is General Manager Northern Region for Norfolk Southern Railway Company, that the rail line between Milepost PY 1.90 and Milepost PY 2 60, and between Milepost PM 181 00 and Milepost 181.80 over which service is to be abandoned, is subject to his supervision and direction, that no local traffic has moved over the line for at least two years, that no overhead traffic has moved over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines, and that 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 before the Surface Transportation Board or any U S District Court or has been decided in favor of the complainant within the two-year period.



R. A. Bartle

Subscribed and sworn to before me
this 11th day of September, 2013


Notary Public

My commission expires:

4/20/15

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

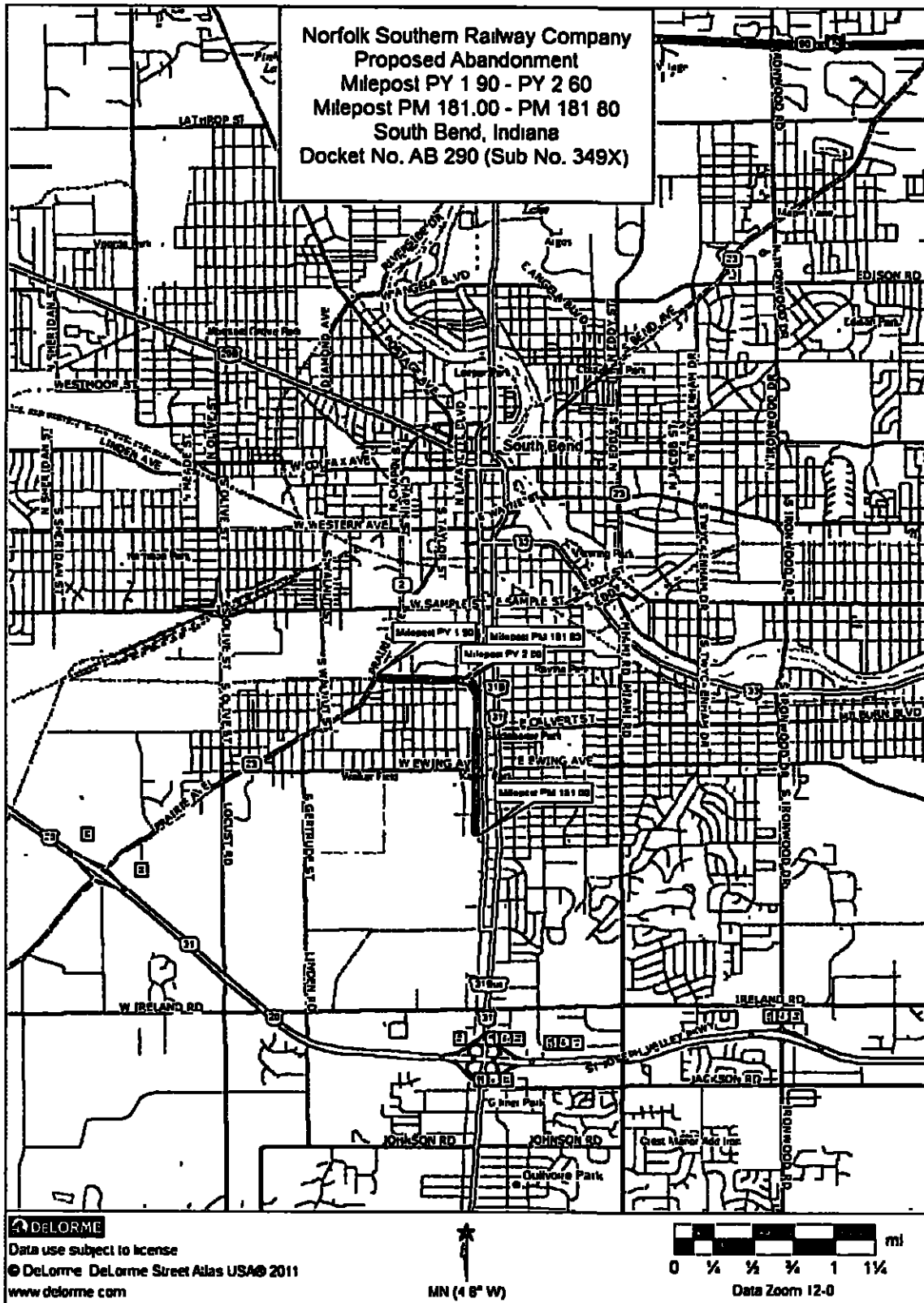
STB Docket No. AB-290 (Sub-No. 349X)

**NORFOLK SOUTHERN RAILWAY COMPANY
- ABANDONMENT EXEMPTION -
IN ST. JOSEPH COUNTY, INDIANA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

EXHIBIT B

MAP



**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-290 (Sub-No. 349X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN ST. JOSEPH COUNTY, INDIANA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

EXHIBIT C

**CERTIFICATES OF
SERVICE/PUBLICATION**

Certificate of Service of Advance Notice

49 C.F.R. § 1152.50(d)(1) – Notice

I certify that, on September 23, 2013, in keeping with 49 C.F.R. § 1152.50(d)(1), I caused the following parties to be served with the written notice of intent of Norfolk Southern Railway Company ("NSR") to invoke the Board's notice of exemption procedures to abandon approximately 1.5 miles of rail line located in South Bend, St. Joseph County, Indiana:

Public Service Commission

Brenda A. Howe
Secretary of the Commission
Indiana Utility Regulatory Commission
101 West Washington St., Suite 1500 E
Indianapolis, IN 46204

Department of Defense (Military Traffic Management Command, Transportation Engineering Agency, Railroads for National Defense Program)

David Dorfman
SDDC TEA
Railroads for National Defense
709 Ward Dr., Bldg. 1990
Scott AFB, IL 62225
(618) 220-5741

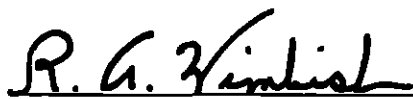
The National Park Service, Recreation Resources Assistance Division

Charlie Stockman
National Park Service
Rivers & Trails Conservation Program
1201 Eye Street, NW, 9th Floor (Org. Code 2220)
Washington, D.C. 20005
(202) 354-6900

U.S. Department of Agriculture, Chief of the Forest Service

Thomas L. Tidwell, Chief
Forest Service
U.S. Department of Agriculture
Sidney R. Yates Federal Building
201 14th Street SW
Washington, DC 20024
(202) 205-8439
S/W Sandy Berg, Office Manager

October 17, 2013

A handwritten signature in dark ink, appearing to read "R. A. Wimbish", is written over a horizontal line.

Robert A. Wimbish
Attorney for Norfolk Southern
Railway Company

Certificate of Newspaper Publication

49 C.F.R. § 1105.12 – Newspaper Notice

I certify that a "Notice of Intent to Abandon Rail Service" was published in the form prescribed by the Board for abandonment notices of exemption (49 C F R. § 1105.12). The notice was published one time on October 2, 2013, in the *South Bend Tribune*, a newspaper of general circulation in St. Joseph County, Indiana.

October 17, 2013


Robert A. Wimbish
Attorney for Norfolk Southern
Railway Company

State of Indiana
St. Joseph County ss:

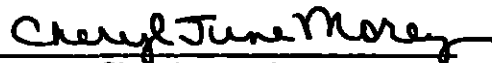
Personally appeared before me, a notary public in and for said county and state, the undersigned Kim Wilson who, being duly sworn says that she is of competent age and is President & Publisher of the South Bend Tribune, a daily newspaper which for at least five (5) consecutive years has been published in the City of South Bend, county of St. Joseph, State of Indiana, and which during the time, has been a newspaper of general circulation, having a bona fide paid circulation, printed in the English Language and entered, authorized and accepted by the post office department of the United States of America as mailable matter of the second-class as defined by the act of Congress of the United States of March 3, 1879, and that the printed matter attached hereto is a true copy, which was duly published in said newspaper

1 time(s), the dates of publication being as follows:

October 2, 2013



Subscribed and sworn to before me this 2nd day
of October 2013



Cheryl June Morey

Notary Public

Resident of St. Joseph County

My Commission expires December 21, 2016

My commission expires December 21, 2016

Charges: \$265.44

Ad # 4415688

**NOTICE OF INTENT TO
ABANDON RAIL SERVICE
STB Docket No. AB-290 (Sub-
No 348X)**

Norfolk Southern Railway Company ("NSR") gives notice that on or about October 7, 2013, it intends to file with the Surface Transportation Board, Washington, DC 20423, a Notice of Exemption pursuant to 49 CFR Part 1152 Subpart F - Exempt Abandonments, permitting NSR to abandon approximately 15 miles of rail line (hereinafter, the "Line") located in St. Joseph County, Indiana. The Line, comprised of two connecting branch line segments, extending easterly from milepost PY 180 (near the intersection of Prairie Ave and Edward St.) to milepost PY 280/PM 181.80 (near Franklin St. and W. Indiana Ave.), and from there southward to milepost PM 181.00 (to the west of W. Woodside Street), all of which is located in the City of South Bend, Indiana. The Line traverses United States Postal Zip Code territories 46613 and 46614. The proceeding will be

docketed as STB Docket No. AB-290 (Sub-No 348X).

The proposed action entails the abandonment of, and discontinuance of rail service over, the Line. The Board's Office of Environmental Analysis (OEA) generally will prepare an Environmental Assessment (EA) which normally will be available 25 days after the filing of the abandonment notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public. Such comments will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to OEA, Surface Transportation Board, 395 E Street, SW, Washington, DC 20423, or by calling that office at (202) 245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An origi-

nal and 10 copies of any pleading that raises matters other than environmental issues (such as trails public use, and offers of financial assistance) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, S.W., Washington, DC 20423 [See 49 CFR §§ 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's representative [See 49 CFR § 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0230. Copies of any comments or requests for specific Board action should be served on the applicant's representative Robert A. Wimbish, BAKER & MILLER PLLC, 2401 Pennsylvania Ave. NW, Suite 300, Washington, DC 20037, phone 202-663-7824, fax 202-663-7849.
Hspaxlp 11 10 2

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-290 (Sub-No. 349X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN ST. JOSEPH COUNTY, INDIANA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

EXHIBIT D

CERTIFICATE OF COMPLIANCE WITH ENVIRONMENTAL AND HISTORIC REPORT REQUIREMENTS

**Environmental and Historic Report
Certificate of Service**

Pursuant to the requirements of 49 C.F.R. § 1105.7(b) and 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-290 (Sub-No 349X) was mailed via first class mail on August 1, 2013 to the following parties:

Indiana Department of Environmental Management
100 N Senate Avenue
Mail Code 50-01
Indianapolis, IN 46204-2251

US Environmental Protection Agency – Region 5
Ralph Metcalfe Federal Building
77 West Jackson Blvd
Chicago, IL 60604

John Bacone, Division Director
Indiana Department of Natural Resources
Division of Nature Preserves
Department of Natural Resources
402 W. Washington, Room W267
Indianapolis, IN 46204

Robert Carter, Jr., Executive Director
USDA NRCS
402 West Washington Street
Indianapolis, IN 46204

Elizabeth McCloskey
U.S. Fish and Wildlife Service
P.O. Box 2616
Chesterton, IN 46304

U.S. Army Corps of Engineers
Chicago District
Regulatory Division
111 North Canal Street, Suite 600
Chicago, IL 60606

Pete Buttigieg, Mayor
City of South Bend
Office of the Mayor
227 West Jefferson Boulevard, Suite 1400 N
South Bend, Indiana 46601

St. Joseph County Commissioners
227 West Jefferson Boulevard #7
South Bend, IN 46601

Indiana Department of Transportation
Bob Alderman, Deputy Commissioner
315 East Boyd Blvd.
LaPorte, IN 46350

James Glass, Ph.D.
Indiana DHPA
402 West Washington Street, Rm. W274
Indianapolis, IN 46204

Michael Reynolds, Regional Director
National Park Service
Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

Charlie Stockman
National Park Service
Rivers and Trails Conservation Program
1201 Eye Street, NW 9th floor
Washington D.C. 20005

National Geodetic Survey
Geodetic Service Division
Room 9202 NGS/12
1315 East-West Hwy
Silver Spring, MD 20910-3282

USFPA
Ariel Rios Building
1200 Pennsylvania Ave., NW
Mail Code 1101-A
Washington, D.C. 20460



Marcellus C. Kirchner
August 1, 2013

ATTACHMENT 1
ENVIRONMENTAL AND HISTORIC REPORT
INCLUDING SAMPLE TRANSMITTAL LETTER



Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510-9207

Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510-9207
(757) 629-2679

August 1, 2013

RE STB Docket No. AB-290 (Sub-No 349X), Norfolk Southern Railway Company -
Abandonment – in Saint Joseph County, Indiana

Dear Sir/Madam

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon a two interconnected segment of rail line between PY 1 90 and PY 2.60, and between PM 181.00 and 181.80 in Saint Joseph County, Indiana.

Enclosed is a Combined Environmental and Historic Report (Report) which describes the proposed abandonment and other pertinent information. A map of the proposed track abandonment can be found in **Appendix A** of this report. **Appendix B** of this report lists the various agencies receiving it

The railroad does not anticipate adverse environmental or historic impacts. However, if you identify any such adverse effects, please describe the actions that would assist in alleviating them. Please provide us with a written response indicating any concerns or lack thereof, which will be included in the Report and sent to the Surface Transportation Board (STB).

This Report is being provided so that you may submit information that will form the basis for the STB's independent environmental and historic impact analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Section of Environmental Analysis (SEA) by telephone at (202) 245-0295 or by mail to

Surface Transportation Board,
395 E Street, S.W., Room 1106
Washington DC 20423-0001

Please refer to the above Docket when contacting the STB. Applicable statutes and regulations impose stringent deadlines for processing this action. For this reason your written comments (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing with the STB, we must receive your comments within three weeks. Please provide information to LaWada Poarch by email at Lawada.Poarch@nscorp.com, or by mail to

LaWada Poarch
Abandonments Coordinator
Norfolk Southern Corporation
Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510

Sincerely,

A handwritten signature in black ink, appearing to read 'Marcellus C. Kirchner', with a long horizontal flourish extending to the right.

Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Railway Company

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**STB DOCKET NO. AB-290 (Sub-No. 349X)
NORFOLK SOUTHERN RAILWAY COMPANY
PROPOSED RAIL LINE ABANDONMENT
BETWEEN MILEPOST PY 1.90 AND MILEPOST PY 2.60
AND
BETWEEN MILEPOST PM 181.00 AND MILEPOST PM 181.80
IN SOUTH BEND, ST. JOSEPH COUNTY, INDIANA**

Combined Environmental and Historic Report

Norfolk Southern Railway Company (NSR) submits this Combined Environmental and Historic Report ("EHR") pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, in connection with the proposed abandonment 1.50 miles of rail line between Milepost PY 1.90 and Milepost PY 2.60, and Milepost PM 181.00 and Milepost PM 181.80 in South Bend, St. Joseph County, Indiana. These two rail segments are contiguous and join at mileposts PM 181.80/PY 2.60.

August 1, 2013

ENVIRONMENTAL REPORT

49 CFR 1105.7(e)(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.

RESPONSE. NSR proposes to abandon 1.50 miles of contiguous rail line between Mileposts PY 1.90 and PY 2.60, and Mileposts PM 181.00 and PM 181.80 in South Bend, St. Joseph County, Indiana. These two rail segments, which form part of a stub-ended branch line, interconnect at mileposts PM 181.80/PY 2.60 as the attached map reflects.

The City of South Bend has requested that NSR abandon these rail lines in order to facilitate economic development at Ignition Park on the City's southwest side. There has been no rail traffic on either rail line segment for approximately eight years.

Following abandonment, the lines' rail and related track material will be salvaged. Salvage will consist of removing the rail and track material from the existing roadbed. The contours of the existing roadbed will remain as is and existing drainage systems will remain intact. When the rail and track material are removed, the contractor will smooth the roadbed to a level surface. No ballast will be. All salvaged steel components removed, and no soil disturbance will occur (and, accordingly, no National Pollutant Discharge Elimination System permit will be required). No digging or burying of any kind will be permitted. Material will either be reused or sold as scrap. Crossties may be reused in other railroad operations, or they will be disposed of in accordance with applicable

federal and state laws and regulations. There are no bridges on the line segments.

The alternative to abandonment is to not abandon the line segments and retain the track in place. This alternative is not satisfactory and would stand as a barrier to the City's redevelopment and new growth opportunities at Ignition Park.

NSR would incur opportunity and other holding costs that would need to be covered by non-existent on-line shippers were the line segments to be retained.

A map depicting the line proposed for abandonment is attached as **Appendix A**. An example of the railroad's letter to federal, state and local government agencies along with a list of the consulting agencies NSR has contacted is attached as **Appendix B**. Comments received as a result of NSR's written requests for feedback can be found in **Appendix C**.

49 CFR 1105.7(e)(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.

RESPONSE Effects of the proposed action on regional or local transportation systems and patterns would be negligible. There has been no traffic on either rail line segment for approximately eight years.

49 CFR 1105.7(e)(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.

RESPONSE: An outline of future land use plans has been requested from the City of South Bend and County of St. Joseph. These municipalities also were asked to comment on the consistency of the proposed abandonment with existing land use.

plans, and NSR is aware that these municipalities fully support the subject abandonment in furtherance of the City of South Bend's redevelopment plans. A copy of the City's response is attached as part of **Appendix C**.

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

RESPONSE: Consultation was requested from The United States Department of Agriculture, Natural Resources Conservation Service and responded the proposed project will not cause a conversion of prime farmland. A copy of their response is attached as part of **Appendix C**

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

RESPONSE: Consultation was requested from the Indiana Department of Natural Resources, Office of Coastal Management. A copy of their response is included in the environmental assessment coordinated report, ER-17006, attached as part of **Appendix C**. NSR has no reason to believe that, the proposed abandonment would be inconsistent with the coastal zone management plan as the subject line is not within a coastal zone.

(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

RESPONSE: The railroad may not have fee title to the entire right-of-way underlying the line segments proposed for abandonment, and so NSR may not have a contiguous corridor available for re-deployment for possible alternative public use(s). As stated above, however, the proposed abandonment is being undertaken at the request of the City of South Bend to promote economic development

49 CFR 1105.7(e)(4) Energy.

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

RESPONSE: Development and transportation of energy resources will not be affected by the abandonment, as no traffic has moved over the line segments in approximately eight years and line segments did not carry any energy resources when last operated.

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

RESPONSE: Movement or recovery of recyclable commodities will not be affected by the abandonment. No traffic has moved over the line segments in approximately eight years, and the line segments did not carry recyclable commodities when last operated.

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

RESPONSE: The proposed action will not result in any material impact in overall energy efficiency given rail line segments have been inactive for approximately eight years

*(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.*

RESPONSE. The diversion of traffic to motor carriers will not exceed the thresholds set forth at 49 CFR §1105.7(e)(4). Accordingly, there is no need to produce data on diverted traffic or to quantify the net change in energy consumption

49 CFR 1105.7(e)(5) Air.

(i) If the proposed action will result in either:

- (A) An increase in rail traffic of at least 100 percent (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 percent (measured by carload activity), or*
- (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.*

RESPONSE The above thresholds will not be exceeded.

(ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either

- (A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,*
- (B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or*
- (C) An average increase in truck traffic of more than 10 percent 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*

RESPONSE: The above thresholds will not be exceeded For the record, however, St. Joseph County, Indiana is in attainment for all National Ambient Air Quality Standard (NAAQS) pollutants according to the U S. Environmental Protection Agency.

(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 restrictions); 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.

RESPONSE: Not applicable.

49 CFR 1105.7(e)(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.

RESPONSE The above thresholds will not be exceeded

49 CFR 1105.7(e)(7) Safety.

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

RESPONSE: Abandonment of the subject rail line segments at the request of the City of South Bend will allow redevelopment opportunities and expansion of several adjacent and existing businesses at Ignition Park.

(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.

RESPONSE Not applicable.

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

RESPONSE: The railroad has no knowledge of hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way or in adjacent areas.

49 CFR 1105.7(e)(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.

RESPONSE: The railroad understands that no federally-listed endangered species or their habitats will be adversely affected. The railroad has requested input from the U.S. Fish and Wildlife Service (USFWS) to ascertain any impacts to surrounding habitats and species. USFWS has advised that they do not anticipate any

impact on federally-listed endangered, threatened or candidate species or their habitats.

The response of USFWS is attached as part of **Appendix C.**

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

RESPONSE: The line segments proposed for abandonment do not appear to pass through state parks or forests, national parks or forests, or wildlife sanctuaries. No adverse effects on wildlife sanctuaries, national parks or forests, or state parks or forests are anticipated

49 CFR 1105.7(e)(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.

RESPONSE: The railroad does not intend to remove or alter the contour of the roadbed underlying the rail line to be abandoned by way of excavation or other ground-disturbance activity. Accordingly, no soils will be disturbed as a result of the proposed abandonment, and no storm water mitigation or National Pollutant Discharge Elimination System permits will be required. As is discussed in the Historic Report that follows, the line segments proposed for abandonment cross no watercourses. There are no plans to undertake in-stream work, or dredge and/or use any fill materials in connection with the proposed abandonment, and, for this reason also, the proposed abandonment will not result in water quality impacts.

Consultation has been requested from the Indiana Department of Environment and Natural Resources, Division of Nature Preserves (IDENR) and from the United States Environmental Protection Agency (USEPA). IDENR's response is attached as part of **Appendix C.**

(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

RESPONSE: The geometry of the roadbed will not be altered and no in-stream work is contemplated. No discernible effects on either 100-year flood plains or adjacent wetlands are expected in connection with the proposed abandonment. Consequently, the railroad does not believe a Section 404 permit will be required in connection with the proposed abandonment. Consultation was requested from the U.S. Army Corps of Engineers by letter dated May 14, 2013.

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

RESPONSE: The railroad does not plan to remove or alter the roadbed underlying the line to be abandoned, to undertake in-stream work, or to dredge or use any fill materials. There will be no excavation or other ground-disturbance activity, and, because no soils will be disturbed, no storm water mitigation or National Pollutant Discharge Elimination System permit will be required. The railroad anticipates that the abandonment will not affect water quality or require the issuance of a Section 402 permit under the Federal Water Pollution Control Act. Nevertheless, NSR has requested input from the U.S. Environmental Protection Agency (USEPA) and the Indiana Department of Environment and Natural Resources (as indicated in a preceding section). A copy of their response is included in the environmental assessment coordinated report, ER-17006, attached as part of **Appendix C**.

49 CFR 1105.7(e)(10) Proposed Mitigation.

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

RESPONSE Abandonment of the involved rail line is not expected to produce adverse environmental impacts for the reasons set forth above.

Only minimal physical activity may occur as a result of the proposed abandonment, such as removal of rail, ties, and other railroad appurtenances. The railroad will undertake all reasonable mitigation associated with these activities as directed by the Board to assure the abandonment does not produce adverse environmental impacts.

HISTORIC REPORT

49 CFR 1105.8(d)

PROPOSED ACTION AND ALTERNATIVES

NSR proposes to abandon 1.50 miles of contiguous rail line between Mileposts PY 1.90 and PY 2.60, and Mileposts PM 181.00 and PM 181.80 in South Bend, St. Joseph County, Indiana. These two rail segments, which form part of a stub-ended branch line, interconnect at mileposts PM 181.80/PY 2.60 as the attached map reflects.

The City of South Bend has requested that NSR abandon these rail lines in order to facilitate economic development at Ignition Park on the City's southwest side. There has been no rail traffic on either rail line segment for approximately eight years.

Following abandonment, the line's rail and related track material will be salvaged. Salvage will consist of removing the rail and track material from the existing roadbed. The contours of the existing roadbed will remain as is, and existing drainage systems will remain intact. When the rail and track material are removed, the contractor will smooth the roadbed to a level surface. No ballast will be removed, and no soil disturbance will occur (and, accordingly, no National Pollutant Discharge Elimination System permit will be required). No digging or burying of any kind will be permitted. All salvaged steel components will either be reused or sold as scrap. Crossties may be reused in other railroad operations or they will be disposed of in accordance with applicable federal and state laws and regulations. There are no bridges on the line segments.

The alternative to abandonment is to not abandon the line segments and retain the track in place. This alternative is not satisfactory and would stand as a development

barrier to the City's redevelopment and new growth opportunities at Ignition Park

A map depicting the line proposed for abandonment is attached in **Appendix A**.

ADDITIONAL INFORMATION

- (1) **U.S.G.S. Topographic Map** - Maps were furnished to the Indiana Division of Historic Preservation and Archaeology
- (2) **Written Description of Right-of-Way** - The right-of-way width ranges from 40 feet to 100 feet along the main track centerline. Pursuant to Surface Transportation Board (STB) policy, the railroad's right-of-way will constitute the Area of Potential Effect (APE) for this undertaking
- (3) **Photographs** - There are no structures on the line
- (4) **Date of Construction of Structures** - Not applicable.
- (5) **History of Operations and Changes Contemplated** -- The railroad property that is the subject of the related notice to the STB consists of 1.50 miles of rail line between Mileposts PY 1 90 and PY 2 60 (known as the SS&S Connection Track) and Mileposts PM 181.00 and PM 181.80 (known as the Plymouth Industrial Track) in St Joseph County, Indiana

Plymouth Industrial Track – Early Years

In 1884, the Terre Haute and Logansport Railroad extended its line from Logansport to South Bend. The line was operated by the Terre Haute and Indianapolis Railroad Company. In 1898, the line was sold and reorganized as the Terre Haute and Logansport Railway Company (TH&L). In 1905, the TH&L was consolidated into the Vandalia Railroad Company and the lease was transferred to the Michigan Central Railroad. In 1916, the Vandalia was consolidated into the Pittsburgh, Cincinnati,

Chicago and St. Louis Railroad (PCC&SL). In 1921, the PCC&SL was leased to the Pennsylvania Railroad

SS&S Connection Track – Early Years

This segment was constructed by the Indiana and Lake Michigan Railway Company in 1890. The line was operated by the Terre Haute and Indianapolis Railroad Company. The segment was reorganized as part of the St. Joseph, South Bend and Southern Railroad Company in 1898, which was leased to the Indiana, Illinois and Iowa Railroad in 1900. In 1905, the lease was transferred to the Michigan Central Railroad. In 1930, the New York Central Railroad assumed control of the Michigan Central

Plymouth Industrial Track and SS&S Connection Track – Penn Central and Beyond -- In 1968, the Pennsylvania Railroad and the New York Central merged to form the Penn Central Transportation Company which went bankrupt in 1970. In 1976, the Penn Central, along with several other bankrupt railroads, was reorganized into the Consolidated Rail Corporation known as Conrail. Conrail commenced operations on April 1, 1976 and assumed control of the line following the bankruptcy of Penn Central. In 1999, NSR assumed control of the subject line segment.

(6) **Summary of Documents In Carrier's Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic** – Not applicable, as there are no structures on the line or within the APE for this undertaking.

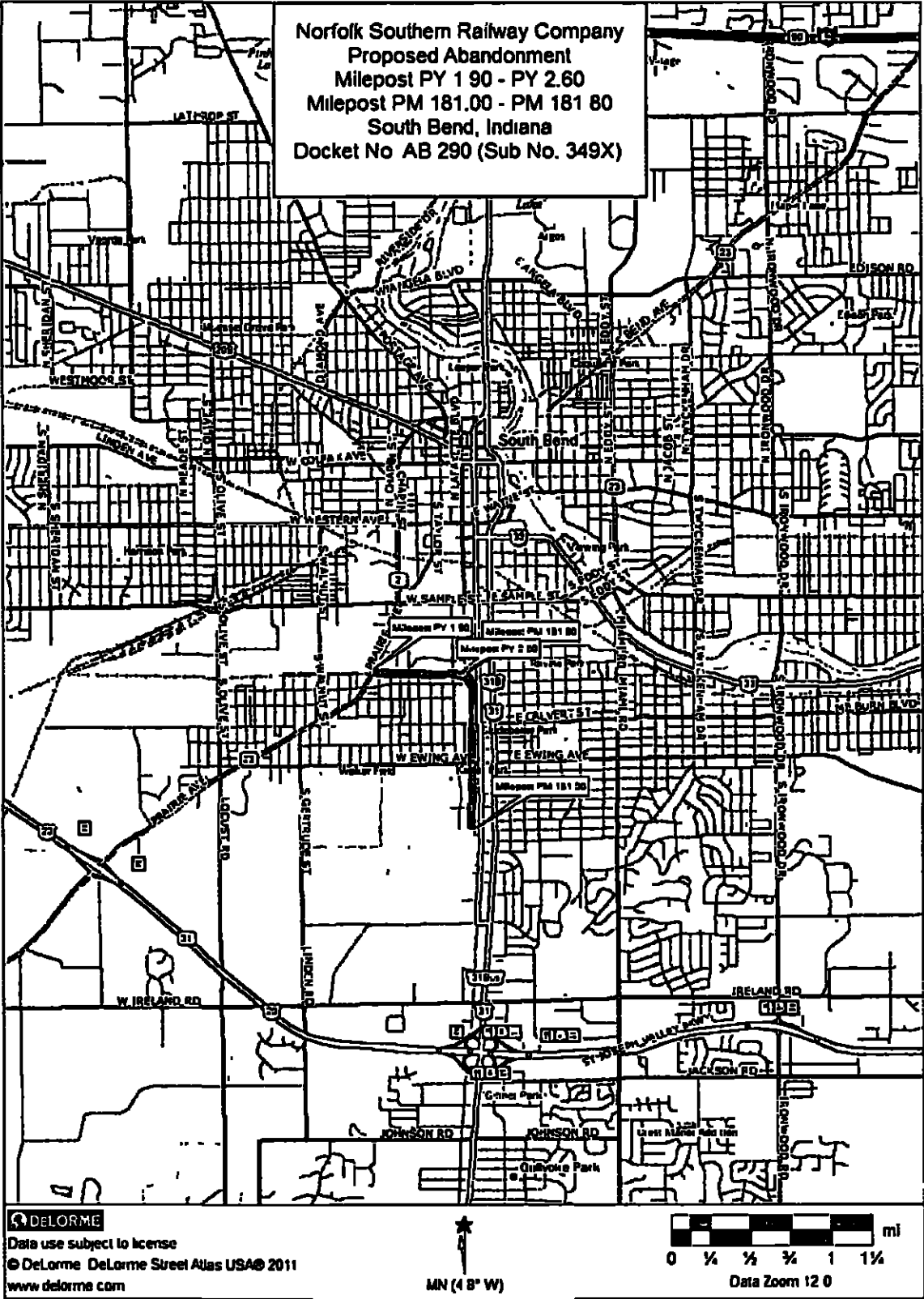
(7) **Opinion Regarding Criteria For Listing In The National Register Of Historic Places** – There are no structures on the line or within the APE for this undertaking; therefore, the railroad has no reason to believe that there is any likelihood of finding archaeological resources or historic properties on the line proposed for abandonment.

(8) Subsurface Ground Conditions That Might Affect Archaeological Recovery

The railroad is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery. Moreover, abandonment of the line and salvage of material from its surface will not affect any potential archaeological resources. The subsurface of the right-of-way was initially disturbed in the construction of the railroad line by grading and filling. Abandonment and salvage of the line will not result in activities below the surface, or below the level of initial disturbance

(9) Follow-Up Information - Additional information will be provided as appropriate

APPENDIX A
Site Map



APPENDIX B
Agency Letters

RECIPIENT LIST

Proposed Rail Line Abandonment of 0.7 miles of rail line between Mileposts PY 1.9 and PY 2.6, and 0.8 miles of rail line between Mileposts PM 181.0 and PM 181.8 in South Bend, Indiana.

STATE ENVIRONMENTAL PROTECTION AGENCY

Indiana Department of Environmental Management
100 N Senate Avenue
Mail Code 50-01
Indianapolis, IN 46204-2251

REGIONAL ENVIRONMENTAL PROTECTION AGENCY

US Environmental Protection Agency – Region 5
Ralph Metcalfe Federal Building
77 West Jackson Blvd
Chicago, IL 60604

STATE COASTAL ZONE MANAGEMENT

John Bacone, Division Director
Indiana Department of Natural Resources
Division of Nature Preserves
Department of Natural Resources
402 W Washington, Room W267
Indianapolis, IN 46204

NATURAL RESOURCES CONSERVATION SERVICE

Robert Carter, Jr., Executive Director
USDA NRCS
402 West Washington Street
Indianapolis, IN 46204

FISH AND WILDLIFE SERVICES

Elizabeth McCloskey
U S Fish and Wildlife Service
P O Box 2616
Chesterton, IN 46304

US ARMY CORPS OF ENGINEERS

U S Army Corps of Engineers
Chicago District
Regulatory Division
111 North Canal Street, Suite 600
Chicago, IL 60606

CITY

Pete Buttigieg, Mayor
City of South Bend
Office of the Mayor
227 West Jefferson Boulevard, Suite 1400 N
South Bend, Indiana 46601

COUNTY

St Joseph County Commissioners
227 West Jefferson Boulevard #7
South Bend, IN 46601

STATE CLEARINGHOUSE (DOT)

Indiana Department of Transportation
Bob Alderman, Deputy Commissioner
315 East Boyd Blvd.
LaPorte, IN 46350

STATE HISTORIC PRESERVATION OFFICE

James Glass, Ph.D.
Indiana DHPA
402 West Washington Street, Rm. W274
Indianapolis, IN 46204

NATIONAL PARK SERVICE

Michael Reynolds, Regional Director
National Park Service
Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

Charlie Stockman
National Park Service
Rivers and Trails Conservation Program
1201 Eye Street, NW 9th floor
Washington D C 20005

NATIONAL GEODETIC SURVEY

National Geodetic Survey
Geodetic Service Division
Room 9202 NGS/12
1315 East-West Hwy
Silver Spring, MD 20910-3282

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

USEPA
Ariel Rios Building
1200 Pennsylvania Ave, NW
Mail Code 1101-A
Washington, D C 20460

APPENDIX C

Agency Responses



CITY OF SOUTH BEND

PETE BUTTIGIEG, MAYOR

OFFICE OF THE MAYOR

May 28, 2013

LaWada Poarch, Abandonments Coordinator
Strategic Planning – 12th Floor
Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510-9207

Dear Ms. Poarch,

I am in receipt of Marcellus Kirchner's letter dated May 14, 2013 regarding Docket No. AB-290 (Sub-No. 349X). We are pleased to hear of Norfolk Southern's plans to abandon the rail line between milepost PY 1.90 and Milepost PY 2.60 and between milepost PM 181.00 and PM 181.80 (Prairie Avenue to the terminus point at Eckman Street) in St. Joseph County, Indiana.

The City of South Bend has made significant investment in this area through the development of a State Certified Technology Park. The abandonment of this rail line would allow for a more efficient use of land and would assist the City in attracting the types of high-tech businesses that we see as the future drivers of our local economy. Many of these businesses are concerned that the potential re-use of the rail line would result in increased noise levels and ground vibration that could negatively impact their operations.

Please consider this communication as evidence of our support of Norfolk Southern's planned actions and their alignment to the overall land use plan for the City of South Bend. We stand ready to support this abandonment, and I encourage you to contact our office to let us know how we can be of further assistance in expediting this process.

Sincerely,

Pete Buttigieg, Mayor
City of South Bend

cc: Chris Fielding, Department of Community Investment

1400 COUNTY-CITY BUILDING • 227 W. JEFFERSON BOULEVARD • SOUTH BEND, INDIANA 46601
PHONE: 574/235-9261 FAX 574/235-9892 • TTY 574/235-5567

United States Department of Agriculture



Natural Resources Conservation Service
6013 Lakeside Blvd.
Indianapolis, IN 46278

July 16, 2013

Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-9202

Dear Mr. Kirchner:

The proposed project to abandon approximately 1.5 miles of rail lines in St. Joseph County, Indiana, as referred to in your letter received June 26, 2013, will not cause a conversion of prime farmland.

If you need additional information, please contact Lisa Bolton at 317-295-5842.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Hardisty", is written over the word "ACTING FOR".

ACTING FOR
JANE E. HARDISTY
State Conservationist

Helping People Help the Land

An Equal Opportunity Provider and Employer

THIS IS NOT A PERMIT

**State of Indiana
DEPARTMENT OF NATURAL RESOURCES
Division of Fish and Wildlife
Early Coordination/Environmental Assessment**

DNR #: ER-17006

Request Received: May 22, 2013

Requestor: Norfolk Southern Corporation
LaWada Poarch
Strategic Planning - 12th Floor
3 Commercial Place
Norfolk, VA 23510

Project: Norfolk Southern Railway Company, abandonment of 1.5 miles of rail line between Mileposts PY 1.90 and PY 2.60, and Mileposts PM 181.00 and PM 181.80; Docket No AB-290 (Sub-No 349X), South Bend

County/Site Info: St. Joseph

The Indiana Department of Natural Resources has reviewed the above referenced project per your request. Our agency offers the following comments for your information and in accordance with the National Environmental Policy Act of 1969

If our agency has regulatory jurisdiction over the project, the recommendations contained in this letter may become requirements of any permit issued. If we do not have permitting authority, all recommendations are voluntary.

Regulatory Assessment: This proposal may require the formal approval of our agency pursuant to the Flood Control Act (IC 14-28-1) for any proposal to construct, excavate, or fill in or on the floodway of a stream or other flowing waterbody which has a drainage area greater than one square mile. Please submit more detailed plans to the Division of Water's Technical Services Section if you are unsure whether or not a permit will be required.

Natural Heritage Database: The Natural Heritage Program's data have been checked. A dry-mesic upland forest community was documented within 1/2 mile southwest of the project in 1987. The Division of Nature Preserves does not anticipate any impacts to the community resulting from the project.

Fish & Wildlife Comments: Avoid and minimize impacts to fish, wildlife, and botanical resources to the greatest extent possible, and compensate for impacts. The following are recommendations that address potential impacts identified in the proposed project area.

1) Bank Stabilization

Establishing vegetation along the banks is critical for stabilization and erosion control. In addition to vegetation, some other form of bank stabilization may be needed. While hard armoring alone (e.g. riprap or glacial stone) may be needed in certain instances, soft armoring and bioengineering techniques should be considered first. In many instances, one or more methods are necessary to increase the likelihood of vegetation establishment. Combining vegetation with most bank stabilization methods can provide additional bank protection while not compromising the benefits to fish and wildlife. Information about bioengineering techniques can be found at <http://www.in.gov/legislative/iac/20120404-IR-312120154NRA.xml> pdf. Also, the following is a USDA/NRCS document that outlines many different bioengineering techniques for streambank stabilization. <http://directives.sc.egov.usda.gov/17553.wba>.

Riprap should not be placed in the active thalweg channel or placed in the streambed in a manner that precludes fish or aquatic organism passage (riprap should not be placed above the existing streambed elevation). Riprap may be used only at the toe of the slopes up to the OHWM. The banks above the OHWM should be restored, stabilized, and revegetated using geotextiles and a mixture of grasses, sedges,

THIS IS NOT A PERMIT

**State of Indiana
DEPARTMENT OF NATURAL RESOURCES
Division of Fish and Wildlife
Early Coordination/Environmental Assessment**

wildflowers, shrubs, and trees native to Northern Indiana and specifically for stream bank/floodway stabilization purposes as soon as possible upon completion

2) Riparian Habitat:

We recommend a mitigation plan be developed (and submitted with the permit application, if required) if habitat impacts will occur. The DNR's Floodway Habitat Mitigation guidelines (and plant lists) can be found online at <http://www.in.gov/legislative/iac/20120801-IR-312120434NRA.xml.pdf>

Impacts that remove trees from a non-wetland, riparian area should be mitigated. Impacts to non-wetland forest over one (1) acre should be mitigated at a minimum 2:1 ratio. Impacts to non-wetland forest under one (1) acre in an urban setting should be mitigated by planting five trees, at least 2 inches in diameter-at-breast height (dbh), for each tree which is removed that is 10" dbh or greater (5:1 mitigation based on the number of large trees).

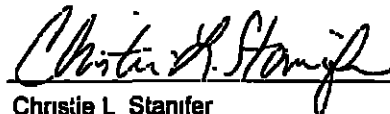
The additional measures listed below should be implemented to avoid, minimize, or compensate for impacts to fish, wildlife, and botanical resources

1. Revegetate all bare and disturbed areas with a mixture of grasses (excluding all varieties of tall fescue), legumes, and native shrub and hardwood tree species as soon as possible upon completion.
2. Minimize and contain within the project limits in-channel disturbance and the clearing of trees and brush.
3. Do not work in the waterway from March 15 through June 15 and from July 15 through November 30 without the prior written approval of the Division of Fish and Wildlife.
4. Do not cut any trees suitable for Indiana bat roosting (greater than 3 inches dbh, living or dead, with loose hanging bark) from April 1 through September 30.
5. Do not construct any temporary runarounds, causeways, or cofferdams.
6. Operate equipment used to deconstruct the railway tracks from the existing railbed.
7. Do not deposit or allow demolition materials or debris to fall or otherwise enter the waterway.
8. Appropriately designed measures for controlling erosion and sediment must be implemented to prevent sediment from entering the stream or leaving the construction site; maintain these measures until construction is complete and all disturbed areas are stabilized.
9. Seed and protect all disturbed streambanks and slopes that are 3:1 or steeper with erosion control blankets (follow manufacturer's recommendations for selection and installation); seed and apply mulch on all other disturbed areas.
10. Efforts should be made to ensure construction debris and sediments do not enter the waterway.

Contact Staff:

Christie L. Stanifer, Environ. Coordinator, Fish & Wildlife

Our agency appreciates this opportunity to be of service. Please contact the above staff member at (317) 232-4080 if we can be of further assistance.



Christie L. Stanifer
Environ. Coordinator
Division of Fish and Wildlife

Date: June 18, 2013



Indiana Department of Natural Resources

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W271 • Indianapolis, IN 46204-2739
Phone 317-232-1646 • Fax 317-232-0693 • dipa@dnr.in.gov

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



September 2, 2013

Marcellus C. Kirchner
Director Strategic Planning
Norfolk Southern Railway Company
3 Commercial Place
Norfolk, Virginia 23510-9207

Federal Agency: Surface Transportation Board

Re Project information concerning the abandonment of two interconnected segments of rail line between PY 1.90 and PY 2.60 and between PM 181.00 and 181.80 (STB Docket No. AB-290 (Sub-No. 349X), DIIPA #15210)

Dear Mr. Kirchner,

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 1, 2013 and received on August 5, 2013, for the above indicated project in South Bend, St. Joseph County, Indiana.

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

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.

Marcellus C. Kirchner
September 2, 2013
Page 2

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 Amy Johnson at (317) 232-6982 or ajohnson@dnr.IN.gov. If you have questions about buildings or structures please contact Kim Marie Padgett at (317) 234-6705 or kpadgett@dnr.IN.gov. Additionally, in all future correspondence regarding the above indicated project, please refer to DIIPA #15210.

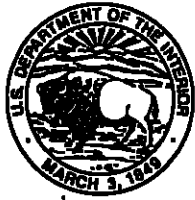
Very truly yours,



Chris Smith
Deputy Director
Indiana Department of Natural Resources

CS:KMP:ALJ aj

cc David C. Navecky, Environmental Protection Specialist, Surface Transportation Board



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

June 7, 2013

Ms. LaWada Poarch
Abandonments Coordinator
Strategic Planning – 12 Floor
Norfolk Southern Corporation
3 Commercial Place
Norfolk, Virginia 23510

Project No : Docket No. A13-290 (Sub-No. 349X)
Project: Norfolk Southern Railway Company Line Abandonment
Location: South Bend, St. Joseph County, Indiana

Dear Ms. Poarch:

This responds to Marcellus C. Kirchner's letter dated May 14, 2013, 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.

The proposed project consists of the abandonment of 1.5 miles of track between Mileposts PY 1.90 and PY 2.60 and between Mileposts PM 181.00 and 181.80 on the south side of South Bend within an area with a mix of residential, commercial, and industrial land uses. Although Run Village Park is nearby along West Ewing Avenue, it is not adjacent to the track. We are not aware of any other parks, refuges, or forests in the vicinity.

ENDANGERED SPECIES

The proposed project is within the range of the Federally endangered Indiana bat (Myotis sodalis) and the threatened northern copperbelly water snake (Nerodia erythrogaster neglecta), and the candidate eastern massasauga rattlesnake (Sistrurus catenatus catenatus). However, there is no

habitat for any of these species within the proposed project area, so we agree that the proposed project is not likely to adversely affect these endangered, threatened, and candidate species.

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 reinitiate 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, please contact Elizabeth McCloskey at (219) 983-9753 or elizabeth_mccloskey@fws.gov.

Sincerely yours,

Elizabeth S. McCloskey
for Scott E. Pruitt
Supervisor

cc: Surface Transportation Board, Washington, D.C.

Christie Stanifer, Environmental Coordinator, Division of Water, Indianapolis, IN

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-290 (Sub-No. 349X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN ST. JOSEPH COUNTY, INDIANA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

**DRAFT NOTICE OF EXEMPTION
[CAPTION SUMMARY]**

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 290 (Sub-No. 349X)]

Norfolk Southern Railway Company – Abandonment Exemption – In St. Joseph County, Indiana

Norfolk Southern Railway Company (NSR) has filed on October 17, 2011, a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon approximately 1.5 miles of rail line (the Line) extending easterly from milepost PY 1.90 (near the intersection of Prairie Ave. and Edward St.) to milepost PY 2.60/PM 181.80 (near Franklin St. and W Indiana Ave.), and from there southward to milepost PM 181.00 (to the west of W Woodside Street). The Line traverses United States Postal Zip Code territories 46613 and 46614.

NSR has certified that: (1) no local traffic has moved over the Line for at least 2 years; (2) there is no overhead traffic on the subject line because the subject Line is not a “through line;” (3) no formal complaint filed by a user of rail service on the Line (or by 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 (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 C.F.R. § 1105.7(c) (environmental report), 49 C.F.R. § 1105.11 (transmittal letter), 49 C.F.R. § 1105.12 (newspaper publication), and 49 C.F.R. § 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under Oregon Short Line Railroad – Abandonment Portion Goshen Branch

Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. § 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on December 6, 2013, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,² formal expressions of intent to file an OFA under 49 C.F.R. § 1152.27(c)(2),³ and trail use/rail banking requests under 49 C.F.R. § 1152.29 must be filed by _____, 2013. Petitions to reopen or requests for public use conditions under 49 C.F.R. § 1152.28 must be filed by _____, 2013, with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to NSR's representative Robert A. Wimbish, Baker & Miller PLLC, 2401 Pennsylvania Ave., NW, Suite 300, Washington, DC 20037.

If the verified notice contains false or misleading information, the exemption is void ab initio.

NSR has filed a combined environmental and historic report which addresses the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by _____, 2013. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423-

² The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. See Exemption of Out-of-Serv. Rail Lines, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

³ Each OFA must be accompanied by the filing fee, which is currently set at \$1,600. See 49 C.F.R. § 1002.2(f)(25).

0001) or by calling OFA at (202) 245-0305. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 C.F.R. § 1152.29(c)(2), NSR shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by NSR's filing of a notice of consummation by _____, 2014, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: _____, 2013.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.